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H – 1088

International Court of Justice

Com. B.
Winkler
24 June 1946
Take 1 - P. 1.
1000 - 1130 hours
Hoeppner

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OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

24 June 1946

COMMISSIONER:

Mr. George R. Taylor

THE S D

(The Commission convened at 1000 hours)

ROLF-HEINZ HOEPPNER, a witness, took the stand and testified as follows:

MR. TAYLOR: Will the witness be reminded that he is still under oath?

THE WITNESS: Yes sir.

MR. TAYLOR: Proceed.

DIRECT EXAMINATION RESUMED

By Dr. Gawlik--------

Q. Describe briefly the contents and meaning of the so-called Funktionsbefehl, functions order.

A. The so-called Funktionsbefehl (functions order) is one of the most important documents determining the defense of labor between the Stapo and Security Police. If I remember correctly it is dated July 1, 1938. That order distributed the intelligence service as follows: the intelligence concerning domestic enemies, as for instance Jews and Free Masons were given to the Gestapo, and the SD was given intelligence on the spheres of life. The purpose of the order was to diminish all possible frictions between the Stapo and SD, and to make very clear what should be the function of each.

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Stapo

Q. Was there a need for the/~~Gestapo~~ to use the SD as supply of information and intelligence?

A. No, the Stapo had an information intelligence service of its own, and it had in addition to the information service, executive powers which the SD did not have and those executive powers were most needed for confiscation and other acts which the Stapo carried on in investigating ~~forbidding~~ forbidden secret organizations.

Q. Are you in a position on the basis of your own knowledge to give more details about the intelligence service of the Stapo?

A. No, I don't have such knowledge.

Q. Did you know which department of the Stapo was in charge of the intelligence service?

A. The department IV N.

Q. Did department #3 of the RSHA carry on any investigations in the spheres of life?

A. No, in that field which we called spheres of live, the department #3 did not have to fill any police functions. It rather collected news and investigated how measures were received by the population. It particularly was not necessary to fill police functions, because there existed in each of the spheres of ~~living~~ life, a special police organization, as for instance, in economics there was a police force, price control, etc.; therefore, department #3 filled only observing and reporting functions.

Q. Was the SD a police system?

A. No.

Q. Did the SD belong to a police system?

A. No, the SD was an ~~exhibit~~ independent news-collecting organization.

Q. Was the SD a police element, and that expression makes reference to a statement by the prosecution of February 28, 1946, which is contained in the German proceedings, page 5202?

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A. I don't quite understand the expression police element. If it should mean that the SD might be regarded as a part of the police force, then again I have to answer in the negative.

Q. Could you tell us your reason for the last three answers which were no? Do you want to add something?

A. At first I would like to reiterate the thing I said Saturday in regard to the tasks, methods, interests, and aims for distinction between SD and Gestapo, and things which were valid. They, of course, were equally valid in regard to the news service both of the SD and Gestapo. May I illustrate what I just said by one example. The attitude of the Gestapo toward the group which was considered illegal was that this group should be surveyed and supervised, and if an order by the State was existing that steps should be taken against prohibiting the group. The attitude of the SD, however, was that one was dealing with a certain group function which had certain definite aims and the attitude of the SD that was a group with certain aims, and that one had to consider it rather as an industrial phenomenon and one had to determine the consequence of that forbidden group on the various spheres of life. Particularly, it was the task and intention of the SD to determine whether there might have been certain ideas in that forbidden group which were good and right, and it actually happened that in our reports such a group was represented with its own opinions. The Chief of Department 3, for instance, was involved in general strong arguments, because he favored a prohibited organization which was so-called Anthroposophs. The second instance which I would like to give to demonstrate the difference between the intelligence service of the Gestapo and SD would be the following. The entire nedwork of honorary collaborates and agents who worked for the SD was not selected from the point of view of police work and would not have been suitable for police work. The selection of those SD agents had to be carried from the point of character and professional qualifications,

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and above all whether they were critical observers who could report on facts, state of affairs, and opinions.

Q. Was it the purpose of your observing activities to fight and to eliminate groups or what was the purpose of your work?

A. I can only repeat what I said, that the only purpose of our observing those groups, if they were at all of domestic interests, to consider them as intellectual phenomenon and to present the findings and evaluations to the leadership, but that was actually not at all the main task of the SD, but rather to investigate and xxxx to report the moods of the population, their reactions to certain measures and to inform the leadership of that situation.

Q. I'm subintting to you an order #A 166 - 37, issued November 20, 1937, contained in the volume/ of ordnances and orders of the Party Chancellory, Volume #2, page 432, and the order is entitled, "Reporting on Treason of Activities To the Gestapo."

A. This order merely verifies what I said. Although the SD has been called the intelligence tool of the Party, all reports on activities which were considered treason were sent to the Gestapo and not to the SD.

M. Did the SD have an executive?

A. No, many orders proved quite clear that no executive existed. I would make reference to two orders - one which ix forbids members of the SD to perform any arrests, because arrests could be made only by those who had the identification badges of the Security Police, and a number of the identification papers stated expressively that the xxxx bearer of that paper was entitled to perform arrests. A second order I would like to mention is one which expressively states that the right of confiscation rests exclusively with the Security Police.

Q. Was an attempt made to secure an executive power for the SD - at least in a number of spheres of life?

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A. No, and if such an attempt ever would have been made, the Chief of Office #3 would have rejected such attempt more emphatically on the basis of his opinion about the functions which office #3 should fill, because any performance of executive functions inevidently leads to stressing of individual cases and for broad news service, the individual case can fill only the function of characteristic examples, never more.

Q. Did the functionaries of the SD, both the paid officials and the honorary officials, realize that they did not have any executive powers?

A. Yes, because in our training efforts this point has been repeatedly stressed.

Q. And did the SD have identification badges?

A. As I stated already - no.

Q. Did there exist in the daily work a union between the Gestapo and SD or in other orders? How was the cooperation and collaboration between the SD and Gestapo?

A. That can be simply answered by saying that the collaboration was the same as between any other officials and authorities in general, which meant in practice that there was often more close cooperation and collaboration between the SD and Criminal Police than between SD and Gestapo. The reason was that the Criminal Police was active in certain fields in which the SD was particularly interested too. One example would be the collaboration we had in regard to youths or the collaboration we had in fighting corruption, where the work of the Criminal Police may wish important examples of generally stated effects. In that connection I might also point out the collaboration which existed between the SD and the Economic Chambers of the Gaus, and we had far more contact with such a party then we had with the Gestapo.

Q. As far as there did exist cooperation between the SD and Security Police, was it for the purpose of committing crimes against the peace, against the laws of

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war or against humanity or what was the purpose - or to assist conspirators?

A. The purpose was neither to commit crimes, nor assist conspirators. The purpose was merely to furnish information which officials and authorities ~~xxxxxxx~~ needed for the performance of their tasks.

Q. The German text of the Trial Brief, Page #13, speaks of concentfated efforts, cooperative, between Stapo and SD. Is that expression justified?

A. No, that expression is not justified. To use that expression with justification it would have to be necessary that there would have existed farmore unity and union between the two organizations than actually existed when they did cooperate.

Q. Was the SD a means of collecting news and intelligence for the Gestapo?

A. No, and the Gestapo never made such a request of the SD.

Q. Was the SD ~~xx~~ a domestic espionage system?

A. I believed I answered a ~~xxxxx~~ similar question on Saturday already in the negative.

Q. Was it the task of the SD to refer individual cases for executive acts to the Gestapo?

A. No, it didn't belong to the SD functions.

Q. Witness, Oldach, stated before this Commission on June 10, page 703 in the German text of the proceedings, that the SD sent to his office directly reports on crimes committed, and he was asked the following question to which he answered "YES". "Then there was not a speical news or intelligence service, because all the reports came directly to your office?" Express yourself on that.

MR. TAYLOR: I think the witness has very thoroughly covered most of the answers to the questions you put to him this morning. Seeme to me that it is more or less a repetition which you ask him Saturday. It may not be correct, but if my memory ~~xxxxxx~~ serves me, the witness has given explanations and answers concerning

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Amt 3 to the questions which you asked this morning. They seem to be a repetition.

DR. GAWLIK: The questions which I asked today result all from the Trial Brief and some of them take into consideration new points which were raised by the Trial Brief.

MR. TAYLOR: Very well.

DR. GAWLIK: But if the Commission should feel that the relationship of the SD to the Gestapo has already been sufficiently clarified, I could, of course, shorten my questioning considerably.

MR. TAYLOR: It is the Commissioner's observation only and not a ruling or opinion that you have sufficiently covered it. That is up to you, but I just mentioned that it happened to be a repetition. I'm not making any ruling on that. Go ahead.

A. I have the impression on the basis of those proceedings that some question must have been misunderstood.

Q. You are not to interpret. You are to tell exclusively what you think of that statement that witness, Oldach, hasmade.

Q. It is not correct that any news intelligence material was sent directly to the Gestapo office. If Oldach speaks of reports, then he presumably meant that reports on individual cases were sent to the Gestapo, because it alone, the Gestapo, was to deal with such individual cases. I may say that the witness a few lines down stated that there was no connection between the SD and that the SD had nothing to do with all this.

Q. If if should have happened in the city of Schwerin, would youthink it was only a matter of local circumstances or how would you explain that?

A.I don't know how large a number of cases witness, Oldach, had in mind, but my assumption would be that he referred to only a few cases which by mistake were sent to the SD and which then were forwarded to the Gestapo who was competent to deal with

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them, or I could re-emphasize that it was not the task of the SD to follow up reports on political cases and incidents.

Q. If such reports on individual cases were sent on to the Gestapo, were those reports suitable material for the Gestapo to take individual action?

A. On the basis of my experience I might divide the reports which we sent on to the Gestapo into three categories. The first category would be general reports on consideration of the mood and attitude of the population which would be sent by the Chief of office #3 to that of office #4, or to the officials of the SD to the Gestapo, and that would have not been exactly the same manner as we would forward reports to other offices or authorities. The second kind of reports one could characterize by saying that they might refer to the Gestapo as an authority in charge of a certain sphere of life. One example would be a campaign which was iniated after July 20, 1944, and the court name of that campaign was Gitter which stands for fence. That campaign which I believe was ordered by the Fuehrer himself was to arrest all Communists and Socialists counsel not of State Counsel, City Counsel or former members of those Parties. In one day after that campaign had been carried out, the SD outposts reported from practically all parts of the country that that campaign had created much indignation everywhere, because it was concerned with the fact which had been in reality eleven years ago. In many cases, the sons of those arrested people were killed in the War or had received high distinctions. In various cases those people who had been arrested as former functioners of the Socialist and Communist Parties had cooperated in the Nazi Party, and all those reports were summarized in one report which then was forwarded to group 4, so that they would know what results the campaign Gitter had, and office #4 appreciated that summarized report particularly because it had presented that order from the very beginning and it used that report to prove to the State leadership that that order should be revoked, and I learned incidently at that time that many officials of the Gestapo aided protection against that order and the third category of reports

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which we sent on to the Gestapo were such reports which belonged to the Gestapo, because it alone wascompetent of dealing with them. That means that those reports from the beginning had reached the SD only by mistake, because people had not kept apart clearly the functions and competence of the SD and Gestapo.

Q. The proceedings on page 1675 of the German test claimed that it was the function of the SD to bring to the attention of the Gestapo the most important, most insignificant remarks of every German citizen, is that correct?

A. If we would have made such a demand to our honorary agents, they would have all resigned from their offices, because they would not have been accordance with the principles of selection which we observed.

Q. If the SD quoted critical remarks of individuals in its report, would such report mention those individuals by name?

A. No, the individual case was always used only as an example, and our report would not say Mr. Smith or Mr. Jones stated as follows, but rather would say among labor servants or civil servants or among ~~intellecturals~~ intellecturals, one spoke as follows, and the quoted remark would be given but without mentioning the circumstances under which it was made, when, where, by whom, why or how.

Q. The prosecution has used a book by Dr. Werner Best, P.S. 1852, which is quoted on page 16 on the German text of the proceedings and by which the prosecution tried to prove that it was the task of the SD to ~~support the~~ assist ~~report to~~ the Security Police. Was Best well acquainted with the tasks, methods, and functions of the SD?

A. Best was an outstanding man as far as police and police law was concerned. As an assistant to Heydrich, of course, he was acquainted also with tasks of the SD, but he had certain opinions in that field which were merely and exclusively his personal opinions, and which not at all were the opinions of the SD.

Q. Express yourself in regard to the claim made by Best that it was the purpose of the SD to ~~support~~ assist the Sipo, respectively to be an assistant tool of the Stapo.

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A. First of all I want tostate that this book was developed out of a lecture which Best gave on German Police Laws, and it presents not only a description of things as they actually were, but also his personal scientific opinions. Best's position in regard to the functions of the SD can be understook only on the basis of his concept of the Police. On page 13, he calls his concept of the police an ethnic, and his definition of the function of the police was to protect the people of the ethnic unit against disturbances and destruction which would mean that his concept of the police was a tremendously broad one, so broad that it practically did include all kinds of administrative functions. I do find a quotation on page 62 which does show quite clearly that Best's book was a scientific study and not a mere description of existing conditions, and that he was much to close to the actual evidence to be able to describe them fairly withoutmistakes. He claims that the office of the Chief of the Security Police and the SD was called RSHA without the Reich Minister of the Interior. This is entirely incorrect, because the office to which he is referring was a so-called chief office of the Security Police to which, for instance, the domestic and foreign intelligence service did not belong at all. A few remarks still to his statements on the functions of the SD - first of all that book was written before the issurance of the Funktionsbefehl (Functions Order).

LT. COMDR. HARRIS: What is the date of that book?

DR. GAWLIK: 1940

LT. COMDR. HARRIS. What is the date of the order which is referred to?

DR. GAWLIK: 1938

A. I should clarify my last statement as follows. The defense of the formation of SD as given by Best shows quite clearly that it must have been written before that Functions Order has been issued. Secondly, Best does not draw clearly enough a separation line between the intelligence services for observing domestic enemies and the intelligence service which is concerned with the spheres of life, but even for the time preceding the issuance of that Functions Order, the description given

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by Best is incorrect, because even that time the SD was never a mere existing took of the Gestapo, because it always had been the function of the SD to observe the aims and inner tendencies of a group. It is indistinct to observe in that connection that Best himself stated frequently that the work done by Division 2 - 1 was very unprofessional and that that work was diminished increasingly until it stopped entirely after the issurance of the Functions Order.

Q. In his book Dr. Best furthermore states that for the first time the character of the police with SS has realized the principle of the infiltration of an institution of the people's structure in accordance with the principle of an order has been performed for the first time. Express yourself on that.

A. This is nothing but wishful thinking on the part of Mr. Best which was not in accordance at all, just as much as his concept and definition was the police was not at all in accordance with German Police Law or Foreign Police Law. I believe that most officials or members of the Criminal Police of the Stapo would have been highly embarrassed if anybody would have asked them the general function of the SS.

Q. Document P.S. 1638 about the cooperation of the agency of the general and inner administration of the SD of November 11, 1938. In this document is also claimed that it was the function of the SD to, by an order, support the SecurityPolice.

A. Three things have to be said in explanation of that order. First it was the first convention of any kind between any State authority and the SD. The purpose of that convention was to have one at least official statement of the State authority on the purpose and function of the SD.

MR. TAYLOR: We will have a ten minute recess.

Recess: 1124 hours

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Mr. Hoeppner

1130 hours

A. (Continued from before recess period) The second reason for the decree was to show to the civil servants that they were permitted to work within the SD. There had been recurrences of cases where civil servants, because they had worked within the SD, were penalized. The third reason was that the Party had not recognised the intelligence service concerning its "spheres of life" section. This intelligence service had emanated from the SD proper.

Q. I am now submitting to you PS 1956, January, 1936, Page 1343. This is an article from the Volkischer Beobachter dated January 22, 1936. The article reads, "The Gestapo, the preventative activity of the secret state police, consists primarily in the thorough separation of all enemies in the State in the Reichs territory. As the Secret State Police cannot carry out, in addition to its primary executive tasks, this observation of the enemies of the State, to the extent necessary, there steps alongside to supplement it the Security Service of the Reichs Leader of the SS, set up by the Deputy Fuehrer as the political intelligence service of the movement, which puts a large part of the forces of the movement mobilized by it into the service of the security of the state. The Secret State Police takes the necessary police preventive measures against the enemies of the state on the basis of the results of the observation."

Will you please particularly take into consideration the fact that the Reichssicherheitshauptamt was established in 1939? Will you please inform us whether, in your view, this description of the relationship between the state police and the SD is correctly described.

A. We must first take into consideration the fact that this is definitely a propaganda article, a propaganda article concerning the Gestapo and not the SD. It is important to consider that this article was written in 1936, that

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the clarifying directive of it, however, was published in 1938. At that time the intelligence service pertaining to spheres of life, which was the task of Amt Three, was in its incipient stage of development. Here, too, the fact remains that the task of living sphere intelligence could not be divulged to the Party.

Q. The Prosecution has charged that the cooperation between state police and SD, as time went on, became a closer one. Is this correct?

A. No, that is not correct. To the contrary. The cooperation after the division of tasks and respective competencies became rather looser than closer.

Q. Furthermore, it is charged that the SD functioned as a general staff for the Gestapo. Please tell us your opinion on that.

A. That is a pronounced misunderstanding. I can, however, understand how this misunderstanding arose. Heydrich, in lectures which I attended myself, repeatedly characterized the method of work of the SD as general staff work. He meant that, just as in general staff work, pieces of the mosaic were put together to make a complete picture. The SD was collecting a complete picture of the living spheres, made up of a great many details.

Q. Page 1698 of the German document states that Gestapo and SD were established in order to fulfill special tasks in special cases. Is this correct?

A. I cannot answer regarding the Gestapo. It is surely not correct where the SD is concerned. The task of the SD was a general one--the collection of the pieces of a picture derived from the observation of living spheres.

Q. Charges supported by affidavits of witnesses have stated that the SD, particularly while being committed, was charged with executive matters. Can you explain that?

A. I can only explain that this was done because of a completely false definition of the term "Sicherheitsdienst." Perhaps it was because everything

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which was done by persons wearing NSD on their uniforms was charged to the Sicherheitsdienst. The SD insignia, particularly while being committed, was worn by all officials of the SIPO and also all official personnel --even if these people did not belong to the SD, special formation of the SS. We called these men "uniform wearers."

Q. What was the reason why people who had nothing to do with the intelligence service of SD of Amt Three and Amt Six wore a uniform?

A. In the first place, members of the SIPO also were members of the special formation of the SD within the SS. Furthermore, it was necessary that everybody in the theatre of operation or in the rear area wear uniforms--and those uniforms were exactly the gray uniforms with the insignia of the SD.

Q. Wouldn't it be to the interest of the state police that the tasks which they fulfilled ~~xxxx~~/be made to appear as tasks of the state police?

A. Yes. There was a directive of the chief of the sicherheits police and the SD, which was published by the chief of Amt Four, which stated explicitly that the chiefs of the state police offices and the chiefs of the committal groups and commitment ~~xx~~ kommandos should ~~xxxx~~ pay attention to the fact that not everything appeared to the outside under the name of sicherheitsdienst. This directive, at the same time, proves the mix-up of the ~~xxx~~ designations.

Q. Furthermore, the Prosecution charges the SD with having created a group of spies and informers in order to discharge its duties. This is on Page 10 of the German trial brief. Is this correct?

A. No.

Q. What do you understand under the characterization "agent"?

A. I understand under the characterization "agent", a person who brings information.

Q. What do you understand by the word "informer"?

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A. An informer reports cases with the end of having executive action taken for despicable motives.

Q. What do you understand by "spy"?

A. A spy, contrary to the informer, is sent out to bring back information.

Q. The co-workers of the SD--were they spies, agents, or informers?

A. No.

Q. What were they?

A. One must differentiate among several things. In the first place, they were not regularly employed; it was honorary for them. The honorary ones were called "vertrauensmanner" or honorary co-workers, and the vertrauensmanner ("men in whom confidence rests") were men who had a confidence in the SD that their news would be evaluated correctly--that the reports of the vertrauensmanner would be submitted to the leadership as an example in order to stop bad situations, or in order to be able to take action upon positive suggestions. Furthermore, the vertrauensmanne was a man in whom the SD rested confidence, that out of a decent motive his reports would be objectively correct.

Q. What was the difference between the vertrauensmanner of the SD and the informers, agents, and spies?

A. The action of the vertrauensmanner was a selfless one. They did not wish to have executive action taken upon a case; they did not derive any profit from it. They acted in the interest of their nation.

Q. Was it necessary for a vertrauensmanne to be a member of the SS?

A. No. He did not have to, and the greatest part of the vertrauensmanner did not belong to the SS.

Q. Did the vertrauensmanner have to be members of the Party?

A. No, not at all.

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Q. The Prosecution has stated that the vertrauensmanner worked out of different local offices. Is that correct?

A. It is correct, if one wishes to say that they were put in by branch offices of the SD or sectors of the SD. But it is wrong if one wishes to express that there were several local offices supervising each other.

Q. Were no agents employed by the interior SD?

A. Not in the inland spheres of activity. Only where one could not count on the motives which could not be counted upon with German vertrauensmanner. For instance, where it was a matter of observing the morale of foreign workers. That is where agents were employed.

Q. Was it the task of the vertrauensmanner to report on each pronouncement or action directed against Party, State, or leadership? This has been stated on Page 16 of the German translation of the trial brief.

A. No.

Q. Was it the aim of the vertrauensmanner to keep conspirators in power?

A. No. This is disproved by the way in which vertrauensmanner were chosen, as well as by their methods of work.

Q. Page 1764, German translation. The Prosecution charges that the vertrauensmanner of the SD worked secretly. Is that correct?

A. It offers room for misunderatanding, at least. It was public knowledge that there was such a thing as vertrauensmanner, and that these vertrauensmanner busied themselves within the intelligence service regarding spheres of life. Vertrauensmanner were chosen in such a manner as to offer a cross-section of the entire German population in accordance with its professional and social structure. That is why Party membership was not made a condition. In this way we would have received opinions only from Party members. Vertrauensmanner have repeatedly expressed their appreciation of the fact that they were permitted in the SD to

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voice criticism and that there was an opportunity for objective argument there. There were quite a few of these vertrauensmanner who, from a strictly Party point of view, would have had to be considered enemies of the Party. I believe there should be hundreds of affidavits available to that effect.

Q. Did the vertrauensmanner have an opportunity to decide upon the use to which their reports would be put?

A. No. That was a good thing, because it made it impossible for ~~him~~/them to derive any advantage from them.

Q. Did the vertrauensmanne hear about the use to which his reports ~~h~~ were being put?

A. Generally, no.

Q. Was the ~~g~~ vertrauensmanne acquainted with the tasks of the ~~SD~~ SD?

A. Yes. In individual conferences,in official discussions, again and again, the task of the SD was outlined.

Q. Did the vertrauensmanne work under cover?

A. That is a concept submitted by the Prosecution.

Q. That is why I am asking the question. Wasn't the vertrauensmanne one of the first to use a cover number?

A. In the beginning ~~kk~~ of SD work, the vertrauensmannerhad received cover numbers for quite some time in the different sectors. That is to say, they did not sign their names, but their ciphers. This, however, identified the/reports ir as well as if they had been signed with their names. That was because vertrauensmanner who had made reports about bad situations in certain ~~kkk~~ spheres of living were attacked by those ~~xxxxxx~~ responsible for these conditions.

Q. Was that the case also since 1939, since the establishment of the RSHA, which is the basis for discussion here?

A. I cannot state this for a certainty in the entire Reich, but it was not

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the case in those offices with which I am familiar. Definitely not at the RSHA, itself.

Q. Was the vertrauensmanne part and parcel of the interior SD?

A. That is fundamentally a f very difficult legal problem.

Q. One moment. You are not to answer the legal question, but merely the factual question.

A. It is my opinion that it is so, because the SD as an intelligence organization was not complete without these vertrauensmanner. [redacted]

Q. How much knowledge did the vertrauensmanner of the SD have of the functions and tasks of the SIPO and the SD in foreign countries or while in [redacted] commitment?

A. Aside from very few minor exceptions, they knew nothing whatever about it.

Q. Did the vertrauensmanner of the SD know the duties of the SIPO?

A. No more than the German population in general.

Q. Did the SIPO make use of the vertrauensmanner of the SD?

A. No.

Q. Was the SIPO acquainted with the matter of the vertrauensmanner of the SD?

A. No.

Q. Were the hoheitstraeger acquainted with the matter of the vertrauensmanner in the SD?

A. They frequently claimed to have the right to become acquainted with it; but they never were informed of it, and they did not know.

Q. Was the voluntary apparatus of the SD transformed as time went on?

A. In a certain sense, yes.

Q. How?

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A. In the first place, because in wartime many vertrauensmanner were drafted into the army or committed ~~ex~~ to other labor services. Then because professional qualifications came into the foreground when these vertrauensmanner were picked. Then, too, because during wartime women had to be used for this work. It was very important to ~~x~~ know what effect certain events had on the female population. What their problems were in regard to food, clothing, and so forth.

Q. Were the regularly-employed members of the SD voluntary members?

A. If one looks at the concept of voluntary membership on the basis of the definition given by the Prosecution in March of this year, only a part of the employed members of the SD were their voluntarily. A great part of the professional members--which, I should think, were about 50%--either had to serve there or ~~were~~ were detached from the Wehrmacht or from the Waffen SS on the basis of a legal directive.

Q. Were the regularly-employed members of the SS by far the larger part?

A. Yes; most of them.

Q. Were they ~~were~~ Party members?

A. It was not necessary for them to belong to the Party. ~~There~~ There were a great number of them who were not Party members--and neither did they have to ~~be~~ belong to the SS.

Q. Could the SD employee resign from his position?

A. Not during the war.

Q. What was ~~the~~ the legal situation of the member of the SD regularly employed there?

A. Insofar as he was not detached from another office or agency, he was a Party employee.

Q. Did the SD member regularly employed there have a decision on whether he was transferred to the occupied territories or not?

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A. ~~Nxx~~ No. He was ordered there without being asked.

Q. Could he refuse to be transferred to a kommando in occupied territory?

A. No. There was an official directive stating that, in wartime, everyone had to serve where he was put. This directive contained a clause stating that, unless they have ~~x~~ valid reasons for refusing to accept an assignment, persons doing so would be put into a concentration camp.

Q. Page 61, German translation of the trial brief, ~~xxxxxx~~ quotes a statement by Heydrich in the year 1941, (voiced on the Tag der Deutschen Polizei), "Gestapo, KRIPO, and SD still are encompassed by the atmosphere of secrecy of political detective stories. The men who perform this work are charged in foreign countries, in particular, with sadistic inhumanity. In the interior there is a ministry of horror and fear, but a certain feeling of security because of their existence."

A. In the first place, I shall state that this quotation is removed from its context. As far as the SD is concerned, Heydrich certainly wanted to imply a certain irony.

Q. Could you tell us a little more about how Heydrich came to make this statement? Is ~~x~~ that a correct statement of the relationship between SD, ~~KRRR~~ KRIPO, and Gestapo?

A. Nothing is said about their relationship. One could read into this ~~xxxxx

H1088 - 0022

they found an opportunity for criticism.

Q. What brings Heydrich to make such statements? Have you any explanation for it?

A. I believe that it is taken ~~fx~~ from the context, and that the whole thing is rather ironical.

~~Qx COLONEL KAREVx~~

COLONEL KAREV: The witness is not acquainted with Heydrich. Why should he be asked about him?

DR. GAWLIK: I will go into the next part.

BY DR. GAWLIK:

Q. I refer now to concentration camps. Did the SD in the RSHA issued any directives regarding the installation of concentration camps?

A. No.

Q. Did the SD in Germany ever own any concentration camps?

A. No.

Q. Did any subordinate office belonging to the ~~xxxxxxx~~ domestic intelligence service ever issue any edicts regarding the installation of concentration camps?

A. No.

Q. Was the domestic intelligence service, Amt Three, competent for the allocation of concentration camps?

A. I only hear about the allocation of concentration camps.

Q. Did Amt Three, the domestic intelligence service, ever issue any directives regarding the allocation of concentration camps? I am submitting to you

~~x I am submitting to you document D-50 and D-46. Do these statements show you whether the SD was competent for the installation of concentration camps?~~

~~Qx~~

H1088-0023

documents D 50 and D 46. Do these statements show you whether the SD was responsible for the installation of concentration camps?

A. The offices of the SD did not receive any such orders.

COMMANDER HARRIS: I object to the response of the witness and ask that it be stricken from the records for the reason that he is purporting to testify as to what the documents say, and that translations of the documents which I have in hand show that they were sent for action, among others, to all commanders of the SD; furthermore, that they were sent for information to all inspectors of the security police and the SD. In the case of Document 46, that they were sent to departments one to seven, inclusive.

DR. GAWLIK: Taking into consideration that objection by the Prosecution, I do not want the witness to interpret the document. I want to ask him whether the leaders of the SD were responsible for the installation of concentration camps.

COMMANDER HARRIS: My other objection was addressed to the previous answer: I have no objection to this new question being answered.

MR. TAYLOR: The objection of the Prosecution is sustained, and that part of the answer of interpreting the document will be stricken from the record.

BY DR. GAWLIK:

Q. I now submit to you Document D 46. The letter is distributed to the deputy of the chief of the SIPO and the SD in Brussels and the higher police chiefs and inspectors of the SIPO and SD at departments one to seven, and the sub-offices of Amt 4 only, up to and including the departments one to seven. What do these addresses show in regard to the competency of the Sd for the direction of the concentration camps?

A. First, it is important that the directive is not addressed to the sectors of the SD, but is sent to the chief offices of the Staatspolizei. The inspector is an office which cannot be characterized as an SD office.

H1088 - 0024

MR. TAYLOR: Has the witness any knowledge or information concerning these orders?

WITNESS: I have just read them.

MR. TAYLOR: Is he competent to interpret these orders?

DR. GAWLIK: Yes. He was long enough connected with the SD.

MR. TAYLOR: Well, he says he has never seen these orders until this moment.

WITNESS: Just because I have not seen them... I may be able to give an answer to the question of direction of concentration camps as part of the functions of the SD.

MR. TAYLOR: Very well. Proceed.

BY DR. GAWLIK:

Q. What is the meaning of its being sent to the chiefs of the SIPO and to the chiefs of the SD?

A. Departments Three and Four were subordinate to the commander of the SIPO and the SD in a genuine personal union. Since this is a task of the SIPO, the commander of the SIPO and the SD had to be informed of these orders. But that has nothing to do with the task of the SD.

Q? What departments of the SIPO and the SD were competent for that?

A. Department Four.

Q. Does the identifying number show this?

A. The identifying number reads 432, and shows that it comes from Amt 4 of the Gestapo.

Q. If it would have been the duty of the SD, would there have been identifying initials?

COMMANDER HARRIS: I think that that question has been asked and answered and that we know the answer to it.

H1088 - 0025

BY DR. GAWLIK:

Q. [redacted]: For informative purposes, the inspectors of the SIPO and the SD are mentioned, and also the offices one to seven. Does that show any competency? Will you explain what "for information" means?

A. "For information" only means that the other offices were to be informed of [redacted] the fact that somebody [redacted] else is installing a concentration camp.

[redacted] MR. TAYLOR: I think that the instruments speak for themselves and that it is a little irrelevant here to take the time to tell us what the instrument means.

DR. GAWLIK; It was only to explain what the word "information only" means--which the documents do not show.

BY DR. GAWLIK:

Q. The document, D 50, is directed to the commanders of the SIPO and the SD and to the deputy of the chiefs of the SIPO and the SD. Which department of the commanders of the SIPO and the SD and of their deputies was competent here?

A. Department Four.

Q. Does the identifying signature show this?

A. The decree emanates from Office Four, and belongs [redacted] in the competency of Office Four, and is signed by the chief of Office Four.

Q. I am submitting a document-PS [redacted] 1063A. It is a decree issued by the chief of the SIPO and the SD, 2 January 1941, showing the organization of concentration camps. Was that a directive emanating from the SIPO or the SD?

A. Competency of the SIPO is shown by the identifying mark and the addressees--which do not show the SD.

[redacted]
(A recess was taken until 1400 hours.)

H1088-0026

(The Commission reconvened at 1400 hours)

ROLF-HEINZ HOEPPNER - Resumed
DIRECT EXAMINATION - Continued

MR. TAYLOR: Proceed with further examination of the witness

BY DR. GAWLIK:

Q. Did the SD play any part in the putting of people, who were racially or political undesirable, in concentration camps?

A. The SD had nothing to do with that.

Q. I submit to you Document 2477, on sworn affidavit by Mr. Litzenberg of November 4, 1945. If and when the head of the RSHA and chief of Security Police and SD ordered the arrest and putting into a concentration camp of someone, would he act in the capacity of chief of Security Police or chief of the SD?

A. He then acted as chief of the Security Police, Sipo.

Q. I also show you P.S. 1531, a letter of RSHA of October 26, 1939. Did the SD play any part in the carrying out of the measures described therein?

A. No, that can be concluded from the number and initials on the letterhead as well as from the address, and as well as from the signature.

Q. By whom is it signed?

A. Chief of office #4.

Q. Was it a function of the SD to give the Gestapo the names of individuals to be put into concentration camps?

A. That did not belong to the tasks of the SD.

Q. I show you Document P.S. 1472, which is a telegram of the RSHA of December 16, 1942, referring to the transferral of 45,000 Jews into concentration camps. The telegram is signed Chief of the Security Police and SD, signed Mueller. Is that ameasure taken by the Security Police or the SD?

A. This is a measure of the Security Police, as can be learned both by the signature of Mr. Mueller, the head of office #4, the Gestapo, as well as of the filing number IV B 4, which is a Gestapo number.

H1088 - 0027

Q. I'll show you document P.S 1063 D, letter of December 17, 1942, which is directed to a number of offices, inspectors of the Security Police and the SD, and the prosecution concludes from the fact that the fact is mentioned ~~xxxthe~~ SD in the address of the letter, that the SD cooperated in carrying out of the contents of that letter. Will you please express yourself on that?

A. That is incorrect and that can be proven by a number of points. First, that is signed by Mr. Mueller as head of department #4. Secondly, by the file number with the IV C 2. Thirdly by the fact that it shows the department number, then the file number on the head of the letter which also repeats IV C 2, and lastly, to which addresses the letter went were not really SD offices.

Q. The letter was addressed to officials who were holding offices both in the Security Police and SD. In what function did they receive theletter?

A. The letter went to people who were actually two offices, and it was addressed to them as holding offices in the Security Police.

Q. I'm showing Document L-41, letter of March 23, 1943, concerning the increase of sending people to concentration camps. Would the same hold true as for the preceding document?

A. Yes, the same is true.

Q. I'm showing you Document 1-63 E, Ordnance of June 25, 1943, regarding the increase of putting people into concentration camps. Is the same true in regard to this letter?

A. Yes, the same is true.

Q. I show you P.S. 701, a letter of April 21, 1943, a ~~xxx~~letter written by the Minister of Justice referring to the sending of Poles and Jews from jails. Did the SD cooperate at all in any way in the carrying out of the measures described within that document?

A. No, that is purely a Gestapo function.

Com. B.
Winkler
Third Take - P. #3
1400 - 1530 hours
24 June 1946
Hoeppner

H1088-0028

Q. Were employees of the SD used in the guarding of concentration camps?

A. Certainly not as officials of the SD.

Q. Was any sub-unit of the SD used as such in the guarding of concentration camps?

A. No.

Q. On page 1179-80 of the German Text of the proceedings it is claimed that the SD was an espionage service who traced down people for the Gestapo and the Criminal Police. Is that ture?

A. No, that is incorrect, and I make reference to statements I have made previously.

Q. It is stated corrected on page 1737 that the Chief of the ~~Sich~~ Security Police and SD had the authority to determine the length of protective custody. The prosecution concludes from that statement that the SD had a joint responsibility. If he acted in that manner, would he act in his function as chief of the Security Police or as chief of the SD.

A. He acted as chief of the Security Police.

Q. Did the SD never learn anything about the affairs in the concentration camps?

A. Office #3 of the RSHA of the SD did never receive any reports about the affairs of the concentration camps. If they would have received any, they would have been used in the same manner as other reports were used.

Q. I make you acquainted with a statement by Kaltenbrunner, who said that he learned through domestic news and intelligence service about the affairs as they existed in the concentration camps. Would that mean that the SD actually was concerned with the state of affairs as they existed in the concentration camps?

A. I can only repeat that no reports aboutaffairs within the concentration camps were received at the SD. If they would have received them, they would have

H1088 - 0029

been used as usual, unless Kaltenbrunner is mistaken at all he must have received his reports ~~xfxxxx~~ through individuals who report to him directly.

Q. I bring to your knowledge the statements made by Milch on March 11, 1946, page 5632. In the reply to a question who showed him the concentration camps, he answered"it was one of the officials of the SD. I assume it was the Commandant of the camp, but I don't remember his name." Express yourself on that.

A. Milch apparently was confused by the fact that there was an SD on the sleeves of the officials who guided him through the camp.

Q. The witness, Blaha, in the session of January 11, 1946, and he is a man who was at Dachau from 1941 to 1945. He stated in reply to a question: "To which office the men who were employed in the camp were attached." Hereplied, "It were SS men andmost of all SD ~~xxxxxxxxx~~. Around the end there were some members of the Army, but the leading people were all SS men." Express yourself on that statement.

A. Again the same error is obviously here. The witness apparently assumed that everybody who had a SD on his sleeve belonged to the intelligence function of the SD of which we are speaking, but that is wrong.

Q. The witness, Francsis Boix in the session of January 29, page 3454 of the German proceedings states the following in regard to the Camp Kuschin. "In the Barracks #2, there were Russian officers, Yugoslavian and French men and even a few Englishmen. Nobody was permitted to go in there with the exception of two leaders of the SD - that was the Commandant of the Camp and the internal and external Commandant." Express yourself on that?

A. That is the same error which I described in answer to the last few questions.

Q. I'm submitting to youDocument P.S. 1063 B, a letter of July 26, 1943, in regard to the creation of work ~~xx~~ training camps. Did the SD have any function in the creation or administration of those camps?

A. No. You may conclude that from the fact the letter is not addressed to the SD, that the body of the letter speaks of the Gestapo, that many similar orders

H1088-0030

relate to the work of the Gestapo in regard to such work training camps.

Q. The letter states that those work training camps were subordinate to the chief of the Security Police and the SD. In what capacity were they subordinate to those individuals. In his capacity of Security Police chief or chief of the SD.

A. In his capacity of chief of Security Police.

Q. I now come to the next point which is to prove that it did not belong to the duties and functions of group #3 A to commit crimes against peace, the laws of war and humanity, and to prove what actually the aims of group #3A have been. What was the structure of group #3A from 1939 to 1945?

A. The definition of group #3A was the following: legal questions, administration ethnic structure and police law. The terms used in that office during the five-years' period about which you have been asking me - the terms have changed, but the function never changed. In 1939, for instance, group 3A was actually called group 3 c, and the subsequent group 3 C was called #3A.

Q. We are not interested in such details. Describe briefly the functions of group 3A as they existed around the end of the war.

A. The struction was as follows: 3A- 1 was concerned with general questions regarding the spheres of life - 3A- 2 is legal questions; 3A-3 administrative questions: 3A - 4 general ethnic problems, and 3A-5 police law, and that structure was holding true during the major part of that period of time which you have been asking me. Office 3 A-1 was concerned with two main problems. On general personal problems as existed for the entire group 3, and secondly general problems concerning the spheres of life. Later on that group 3A-1 was made independent and became 3-S which was directly subordinate to the Chief of the office.

Q. The prosecution has charged that the group 3A-1 devoted itself to illegal

H1088 - 0031

tasks. I make reference to page 1699 of the German proceedings. I, therefore, consider it necessary that you give a few details of the activities of office 3A-1. Perhaps you can give a few examples of the actual work done by 3A-1.

A. I stated already that 3A-1 was concerned with personnel problems concerning all employees of group 3.

Q. They are not of interest. We are interested in other fields of activity?

A. Furthermore we were concerned with general problems concerning the methods employed in the spheres of life. There was nothing else we did. For instance, we studied and worked over the manuscripts of lectures somebody wanted to render in regard to the SD. I might say that the main importance of 3A-1 was in the field of organization.

Q. Express yourself on the claim that the work done by 3A-1 was of an illegal nature.

LT. COMDR. HARRIS: I don't recall anywhere in the proceedings that it was contended that the work of 3A-1 was illegal. Now it may have come into the record at some other time. What page of the record are you referring to?

DR. GAWLIK: German text, page 1699

A. May I add a few words. Department 3A-1 was not dealing with any questions of an illegal nature. We were not even dealing with secret matters there. Secret was neither the fact that group 3A-1 existed nor were its functions and methods secret. Secret was only the individual summarizing report and the concret network of the SD staff, and that for reasons which are rather obvious. It would have been most undesirable for foreign intelligence services to get ahole of one or some of the reports about the mood and temper of the German people, and therefore those reports were governed by those rules of secrecery which were prevailing. It is also true that the functions of group 3A-1 were exactly the same on all levels of organization - both at the outposts and inner offices and at the main

H1088 - 0032

offices.

Q. Describe very briefly the structure and functions of group 3A-2.

A. Group 3A-2 was concerned with the result and consequence of legal matters on German people - laws and decisions of courts on the German people.

Q. Give a few characteristic examples.

A. One main problem with which we were concerned was the security of the laws. That means that the same crime got the same penalty. Certain people felt that for the same crime not the same penalty and not penalty of the same length, ~~xxx~~ and, therefore, the security and honestly of the law was endangered. Or another matter we were concerned about was whether thesame crime was always treated in the same manner or whether it was as the German proverb goes that the little ones are hanged and the big ones are going free. Another thing we were concerned about was the claim that in certain legal fields, the laws were incomprehensive, and it was difficult to find your way through the jungle of legal ordnances. For instance, that was often claimed in the field of economic laws, as there were too many re- ~~xxxxxx~~ strictions - nobody can find his way through them. The office 3A-2 also cooperated in the observation of a general reform of the law. One question, for instance, was the position of the justice of the people in a future panel law. Report observations were collected both among professional and laymen. They were studied in the different offices and collected and summarized in the RSHA, main office, and the summary report was given to the state authority concerned-in that case the Reich Ministry of Justice.

Q. Describe very briefly functions and activities of group 3A-3.

A. It was concerned with the results of administrative measures of the population.

Q. A few examples.

A. An example from the last year of the war was the results which the

H1088-0033

air warfare had on administration. It was described furthermore how many difficulties were created by the fact that there were ~~overlapping~~ overlapsing competence of different offices and authorities. It was tabulated how many authorities were considered competent in different situations. I remember, for instance, that ~~in~~ no less than thirdy (30) authorities were concerned if an individual wanted to present some structure. The general problem of a reform of administration in Germany was one of the most important problems we were concerned with. Reports and observations by people interested in problems of administration, both administrative officials and laymen and scientists who were concerned with administration in general - the parts of all those offices were collected and tabulated in a summary report.

Q. What were the duties of group 3A-4?

A. ~~x3A-5~~ 3A-4 was concerned with general problems regarding the attitude and moods of the population, where it mattered first that periodical reports should be given on the mood and the attitude of the ~~people~~ people, and secondly, in addition to such general reports, specific problems were picked up and made subject of separate investigation. One example would be, for instance, the reaction to the people of the air bombardments, or another example, was to ascertain how much the reports given by soldiers who were on furloughs - how much those reports influenced the mood and attitude of the people. That department was also concerned with general women's problems.

Q. Describe very briefly the activities of 3A-5.

A. 3A-5 was concerned with questions of police nature and the ~~technik~~ technique of legislation. A few examples - first of all the police and its problems were considered as one sphere of life.. Secondly the department was concerned with the general definition of the contact of police. That means that all matters referring to police were collected and made available through that department, and lastly, the department 3A-5 had to express itself on the formulation of certain legal terms.

H1088-0034

Q. Was it the purpose ~~of~~ of group 3A to hold in power conspirators whose intention it was to commit crimes against the peace, against the laws of war, or against humanity? or to help in carrying out those crimes?

A. At no time was that the purpose of group 3A.

Q. If not, then what was the general purpose of the work of group 3A?

A. The purpose of the activities ofgroup 3A were just as the purposes of group 3 in general. - To measure and to determine the results of certain facts and measures on the German people and particularly on those spheres of life which were the concern of group 3A - aim was to get rid of undesirable developments, or to initiate corrective measures which had been suggested in a constructive way by the people who had been interviewed in the course of the investigations made by group 3.

Q. On page 1702, the prosecution has charged that it was one of the main tasks of the SD the real ideological enemy of Nazi rule and two, to keep in power Hitler and his Nazi leaders. The prosecution understands under Nazi rule and Nazi leaders, those conspirators - that means participants in secret agreement for the commitment of crimes against peace, war crimes and crimes against humanity. What do you have to say to that? Answer that question in regard to group 3A and the period of time from 1939 to 1945?

A. I cannot accept that to be the task of 3A, and I must make reference to my last answer.

Q. Was it the purpose of group 3A to facilitate the Party in commitment of crimes against peace, humanity and war crimes. This question makes reference to page 2831 of the German proceedings. Answer that question in regard to group 3A and time beginning in 1939.

A. No. As far as reports were given by the SD to the Party, then it was in regard to wishes or desires of the population which had been expressed, and that

H1088 - 0035

was done to enable the Party to feel those desires and to alleviate the conditions about which people had complained.

Q. If it should and could be proven that individual members of the office 3A had committed such crimes, would that mean that those crimes were committed not within the framework of the group 3A?

A. Yes.

Q. Was it ever made public in group 3A that the SD was used for the committal of crimes against peace, war crimes, and crimes against humanity?

A. No, I never learned anything of that kind.

MR. TAYLOR: Counsel ~~that~~ it appears to me that he has answered that question of crimes against peace, crimes against humanity, etc. in connection with the group 3A about six or seven times. The Commission can't see where you are introducing any new evidence as to defense by this witness.

DR. GAWLIK: I'm coming to the next part.

Q. Did the SD maintain any courts to sentence Jews, Poles, Ukranians, and Gypsies?

A. The domestic intelligence of the SD, office #3 did not maintain any court of that kind.

Q. I show you Document P.S. 654, which is an exchange between Himmler and Thierack, regarding the sentencing of Poles, Jews, Ukranians and Gypsies. Were those people sentenced by the SD?

COL. KAREV: The witness has stated time and time that the SD did not have any executive power. Therefore, it is obviously a waste of time to spend our time with questions which always will be answered in the negative.

MR. TAYLOR: I think the prosecution's suggestion is correct, ~~and~~ I have been trying to get defense counsel to see it in that light - that this witness has already given a very clear and concise explanation on the activities of what he is testifying about and the last few minutes has just been a repetition.

H1088 - 0036

DR. GAWLIK: If the Commission should have that feeling, of course, I should gladly agree, but there are only five questions remaining which I desire to ask, but it is a special point of the Trial Brief - 6 H of the Trial Brief which claims that the SD maintained summary courts against Jews, Poles, Russians, Ukranians, and the prosecution has produced documents which claim to support that point, and I have six questions altogether in regard to that one point. If the prosecution too should be convinced that those points cannot be maintained, I should be glad to drop those questions. Otherwise, as defense, I am compelled to ask those questions.

COL. KAREV: The prosecution is not willing to drop those points, but, of course, it is our conviction that if the answer to the question is no, then the witness is responsible for that answer.

DR. GAWLIK: That group H is an entirely new point claiming existence of summary points of the SD. I cannot drop that point and I have to ask those six questions covering that one point.

COL. KAREV: It seems that the witness expressed himself quite clearly on the functions of the SD as he understands them, and it can not be expected that he would bring up any new material in any further questions.

DR. GAWLIK: I think I should be granted the opportunity to give the witness who was holding a leading position in the SD to express himself on the document of the prosecution. All those questions would be answered by now, because there are only a few.

MR. TAYLOR: Very well, proceed, but make an effort to confine yourself to important and material questions.

Q. Were the people sentenced by SD courts?

A. No.

Com. B.
Winkler
Take 3 - P. 12
1400 - 1530 hours
24 June 1946
Hoeppner

H1088 - 0037

Q. Document L-316 of the prosecution, concerning the treatment of the Poles and other members of Eastern peoples. Were those people sentenced by the SD?

A. That document makes reference to the same group of people as previous document, and the ordnances to which that letter refers was as a whole never published.

Q. For what group of people was special treatment planned? Do you know that or don't you?

A. I believe that there was a special regulation made in regard to Jews, and that was done, if I remember correctly, in one of the instructions of how the citizenship law should be carried out.

Q. If the SD had noghint to do with the sentencing of those individuals, why was that letter addressed tooffices of the SD?

A. If the prosecution and sentencing of Poles and other Eastern people actually would have been transferred to the Poles, then, of course, that would have resulted in certain expressions - both in the legal profession and people in general and people concerned would have to prepare the SD for such a study - for mood and attitude it was necessary to inform the SD of such contemplations which were not legal procedure.

DR. GAWLIK: No further questions.

MR. TAYLOR: The Commission will take a ten minute recess.

Recess 1515 hours

Com. B.
Take 4 - P 1
Noll
24 June 1946
Hoeppner

H1088-0038

CROSS-EXAMINATION

By COMMANDER HARRIS:

Q. When were you born?

A. February 24, 1910.

Q. What university education did you have?

A. I attended universities in Freiburg, Halle/Saale, Bonn, and Leipzig.

Q. Did you receive a degree?

A. I did not take the doctor's degree--only the state examination, senior government councillor in civil service.

Q. What did you do before you entered the SD?

A. I studied, and at the same time I served in preparatory duties in the SD. During that period I already was active on an honorary basis in the SD.

Q. So your whole professional period has been in the SD?

A. With the exception of three years of preparatory duty. I had practical experience in law, because I was instructed in all the different sections of the law.

Q. When did you join the SS?

A. Simultaneously with the time that I joined the SD--in the Spring of 1934.

Q. When did you join the Nazi Party?

A. On September 1, 1930.

Q. Were you a member of the SA?

A. Yes, beginning April, 1931, until I entered the SS.

Q. And you considered yourself, all during this time, to be a loyal supporter of National Socialism?

A. Yes.

Q. And you believed in the basic philosophy of National Socialism as laid down by Hitler?

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H1088 - 0039

A. I believed that National Socialism was a philosophy which, during the time it was alive, was necessary.

Q. And you gave all of your support to that philosophy of National Socialism and to its leadership?

A. Those are two entirely different things.

Q. First, then, you gave your entire support to National Socialism?

A. Yes.

Q. And you gave your full support to the leadership of National Socialism?

A. As far as the leadership adhered to the basic principles as laid down before the seizure of power on January 13, 1933.

Q. One of the functions of the SD,and one of the functions in which you were personally interested,was seeing to it that the leadership did adhere to the policy of National Socialism?

A. That is not expressed quite correctly. It was one of the tasks of the SD to find out whether certain developments which occurred in the leadership would be to the detriment of the masses of the people. That was the reason for the development of the task pertaining to living spheres--that we should find out about developments that referred to people in leadership circles. So it became necessary for us to find out the reason for these developments.

Q. So it was your duty to report any infractions of duty in the case of the leadership, so that that man could be eliminated?

A. So that a change could be made in the situation which caused such developments.

Q. Particularly if such bad developments occurred among the leaders of the Party, you took a special action to see that that was reported?

A. Those were developments like all others--nothing in particular.

Q. So you were concerned in seeing to it that the leadership of the

H1088-0040

Party remained faithful to the principles of National Socialism?

A. No, we were not a supervisionary organ of the Party.

Q. You are not suggesting that you were disinterested in finding out whether the leaders of the Party were faithful to the principles of the National Socialist Party?

A. It was one of the basic functions of the SD not to change anything by executive action; but its task was fulfilled when such things were merely reported.

Q. Yes, and you reported any cases of wavering on the part of the leadership from the principles of National Socialism?

A. The perspective is wrong. We did not report on the wavering of the leadership, but we reported on the reaction of the masses of the people to the measures of the leadership.

Q. I am talking about, not the top leadership, but the leadership farther down in the Party. You were particularly concerned--and the SD as an organization was particularly concerned--that the leaders farther down were always faithful to the principles of National Socialism, weren't you?

A. No. We observed the people, and we found out what effect the measures of the leadership--also the intermediary leadership--had on the people.

Q. And among the people that you observed were Party members?

A. We did not observe people. We observed spheres of life.

Q. Yes, and in the spheres of life there were members of the Party. You have already testified to that this morning.

A. Yes.

Q. And you were particularly concerned that the reaction of these people who were in the Party, and who were leaders of the people, was consistent with the principles of National Socialism?

H1088-0041

A. That is the point of view which I have just rejected. We did not observe the people, but the effect on the entire population. The focus was directed to the individuals and to the total mass of the individuals.

Q. What were your duties when you were in charge of the press in the Oberabschnitt?

A. It was my first assignment. It was merely that I had to report to the fuehrer of the ~~Oberabs~~ Oberhauptamt on the contents of the press.

Q. What press? The public press or the secret press, or both?

A. First, the public press--and there hardly was any secret press. If at any time, which happened very rarely, a clandestine leaflet fell into our hands, it was the duty of the Gestapo to take action against the publishers of this leaflet. If we found it--not if the Gestapo found it. It was almost always the case that the Gestapo knew about it before we did. All ~~the~~ gendarmerie and landrats offices had to bring in immediately any such leaflets.

Q. Yes, but you in the SD had by far the largest network of informers. You had thousands of informers to the Gestapo's hundreds.

A. But our vertrauensmanner were not informers who were sent into some organization. They were vertrauensmanner who observed the population.

Q. And, in observing the population, as far as the press was concerned was there a duty to bring in to you copies of the publications they found?

A. They were not to be submitted to us, but to the police.

Q. Then the "V-Men" actually submitted information directly to the police?

A. It had nothing to do with the fact that they were V-Men; it was the duty of every German to immediately turn in any illegal publication to the police. The continuation of illegal ~~Rx~~ parties was considered by law to be high treason, and the distribution of such leaflets was, according to the German jurisprudence, to be considered an accomplice to the deed. Those things had

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nothing to do with the task of the SD.

Q? Well, the fact is that the V-Men did encounter leaflets; whether they were, in their opinion, treasonable or not, if they had information valuable to you they brought them in, didn't they?

A. I do not know of any such cases.

Q. Well, what did you report in the press?

A. I reported on the entire contents of the paper so that he would not have to read the paper himself. The report was organized into foreign policies, internal policies, cultural policies. My basic duty as an SD man was to report on the effect of the make-up of the paper on the German population.

Q. And the fact that you reported the effect on the German population was so that, if the leadership felt that that paper was having an injurious effect upon the people, appropriate action could be taken by the Gestapo or some other agency to control it?

A. The purpose was that the paper should be written in such a manner that the German population really would read it with interest, so that not everybody would say every paper had the same contents.

Q. If there was anything which you noticed in the press which was a reaction again National Socialism, you underlined that in your report?

A. Such a thing never happened. The papers in the most part were boring. At the moment we are referring to a period from 1934 to 1935, when the entire duties of the SD were in a stage of development; one could refer to it as the embryonic stage of the intelligence service. The entire development of the structure of the organization has not been discussed, because I have been interrogated only about the period after 1939.

Q. I am asking you now about your personal experience in the SD.

A. Yes.

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A. Yes.

Q. What were your duties in the SD/Oberabschnitt in the years 1936-1940?

A. At that time I was not in the oberabschnitt, but I was ~~xxxxxxxx~~ stabsfuehrer of the leitabschnitt--beginning the first of ~~xx~~ November, ~~xxxx~~ 1937. As previously stated, I was on leave during the months before.

~~xx~~ Q. I think that the questions are clear enough. We want to cover this as quickly as possibly. I simply asked you what your duties were in the oberabschnitt in Dresden in 1937?

A. I was ~~xx~~ stabsfuehrer at that time in Oberabschnitt Dresden. There was no such rank later.

Q. I didn't ask you your rank. What were your duties?

A. I was a deputy of the abschnittsfuehrer and managed the entire interior proceedings. I inspected the intelligence service net, in particular, and saw to it, again and again, that the branch offices enlarged their intelligence nets. That was the period when the enlarging of the intelligence ~~xx~~ nets was the most important part of the SD.

Q. What type of intelligence were you gathering at that time?

A. During this time we collected reports regarding the morale and attitude of the population.

Q. The attitude toward National Socialism as it was being applied?

A. Attitude and morale.

Q. Where did you place your V-Men?

A. We solicited V-Men in all layers and circles of the population, ~~wherever~~ Whenever we found a decent person who seemed willing to cooperate, we spoke to him and asked him to work with us.

A. And you even took people who were not decent persons, as you said this morning?

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A. I cannot recall that I said that.

Q. ~~xxx~~ The point is that you took people who weren't loyal to National Socialism.

A. Yes, who took a critical attitude.

Q. And the reason you took those people was that they had ~~xxxxxxx~~ access to people who particularly interested you?

A. The reason was that we wished to find out the reactions of~~x~~ the entire population. It would have been a mistake to limit it to Party members. That we developed our task was due to the fact that there was hardly any possibility of criticism anywhere.

Q. And you located V-Men in churches, for example?

A. No. We had V-Man who did not resign from the church. We didn't even ask them.

Q. I didn't say that. I mean that you used V-Men inside the church.

A. Are you referring to the ~~x~~ church as an organization, or as an edifice?

Q. As an organization, of course.

A. We interrogated V-Men regarding their attitude and tolerance of religious life.

Q. You know well that you were not interested in the attitude of the V-Men themselves. You were interested in what the V-Men reported about the grou-ps of people in which they circulated, weren't you?

A. Yes.

Q. And you sought to find V-Men in the Catholic Church, for instance?

A. We attempted to find V-Men who reported to us on the effects of measures on the Catholic population.

Q. Yes, and the Catholic Church as an organization?

A. My own experience does not embrace any area where the Catholic Church at that time as an organization had any influence.

H1088-0045

Q. Then you sought to place them in the Protestant Church?

A. But not for the purpose which the Prosecution seem to imply--in order to spy on the Church. We placed them there rather to find out what people who belonged to such circles had to object to in certain measures.

Q. And you placed your informers in factories, in schools, and in every place where you thought they would have access to large groups of people?

A. The V-Men were chosen from the people, and they were a part of the people. We did not place a V-Man in the school, but we asked for a report concerning the school--for instance, regarding the relationship of the school's political youth. It had become one of the most serious problems, particularly in later times, that two lines of education, which were attacking each other, affected the German youth. It led to such things as there hardly being any young people who wanted to become teachers. But these things go too much into detail, and the professional experts would be much more qualified to talk about them.

Q. I agree that we are going too much into detail, and the reason is that you are not answering the questions I ask. The question R I put to you was a very simple one, and it was this: Did you seek to locate V-Men in the Church, in the School, in the Factory--throughout the life of the German people, in every section?

A. We intended to have V-Men in all spheres of life. The School is not a sphere of life, but education is.

Q MR. TAYLOR: Will the witness be reminded that it is only necessary for him to answer the questions of counsel. I am sure that, if he wants to know the details, he will ask them. Listen to the question and reply intelligently, but answer the counsel's question. Proceed.

BY COMMANDER HARRIS:

Q. Now, what were the ~~principlexxx~~ principal matters that you reported upon? What was the principal intelligence that was collected at the leitabschnitt in

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Dresden?

A. Intelligence regarding all living spheres.

Q. What did you do during the year 1940 to May, 1941?

A. From January, 1940 until April, 1940, inclusive, I was still in Dresden. Beginning with the first of May, 1940, I was abschnittsfuhrer in Posen.

Q. And you were abschnittsfuhrer in Posen from 1940 to 1944?

A. Until July, 1944.

Q. Then you went to the RSHA headquarters? That was the first and only time that you served in the headquarters of the RSHA or the SD?

A. Yes, but in my capacity as abschnittsfuehrer I regularly visited Berlin.

Q. Now I am interested in the SD formation of the SS under Kaltenbrunner. What were the duties of that SD formation?

[redacted]

A. Is this a question of the "Sonder" formation of the SD?

Q. I don't know. This is the first time I have ever heard of an SD formation of the SS, and I want to know what it was.

A. The first day I was interrogated explicitly about the "Sonder"-formation of the SS. I have stated that the SD formation in the SS consisted of members of the SIPO and SD. I have stated that this formation did not have any special task.

Q. Are you including in this definition the EINSATZ group and "Einsatz"-commando?

A. That has nothing to do with that organization. To make Einsatz groups and Einsatz formations, SD men were also put in. The decisive factor is whether, during their attachment to this formation, their duties were that of SD or SIPO character.

Q. Well, as I understand it, then, the SD formation of the SS was just an inactive group

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an inactive group.

A. It was, at first, merely a special designation in its own main office. At first, in the central office and, later, in Amt One, the personnel office.

Q. What we are concerned with here is the SD as an intelligence organization. You ~~xxxxxxxxxxx~~ don't want us to believe that the SD as an intelligence organization defeloped out of the SS, do you?

A. No.

Q. And it always remained under Himmler as Reichsfuehrer of the SS?

A. Yes.

Q. And the personnel of the SD served in the various regional offices throughout the Reich and occupied territories?

A. It is important to note here that by far the largest part of the pepple belonging to the SD were not members of the SS.

Q. That is not the question. ~~X~~ You haven't answered the question. I asked you whether the personnel of the SD did not serve in offices throughout the Reich and occupidd territories.

A. Of course.

Q. And the personnel of the SD served in the Einsatz groups and Einsatz kommandos?

A. As much as the personnel of the SIPO.

Q. As far as this matter of the SD not all belonging to the SS, you are including all of the V-Men in that, aren't you?

A. Yes.

Q. And what we are concerned with are the regularly employed members of the SD, who, almost without exception, were members of the SS. Isn't that so?

A. By far the largest part of them was in the SS, but it wasn't such an exception not to belong to the SS--particularly in wartime.

H1088-0048

Q. As a matter of fact, you can't remember three members--regular officials--who weren't members of the SS, can you?

A. Yes, I can.

Q. Well, who?

A. There were quite a few people there who were drafted and who wore uniforms.

Q. How did one join the SD if he wasn't drafted?

A. Usually by being asked by someone.

Q. Did he have to fill out a form, or anything of that sort?

A. Yes.

Q. And he had to certify that he was racially acceptable?

A. That was not brought out by the questionnaire, but if somebody wanted to be accepted into the SS he was examined by an examiner from the Race and Settlement Office.

Q. And if one joined the SD apart from these cases of drafting, of course he would have to join the SS too, ~~didn't~~ wouldn't he?

A. It was independent of it. Already before the war we had people who were of too small a physical stature to be acceptable, and they worked with us. But these were exceptions. We must take into consideration here that at that time there were very few regularly-employed people.

Q. You do not deny that the SD--and I am talking about it always in the sense of an intelligence organization--was always considered a part of the SS, do you?

A. If one brings SS and SD into this comparison, one can do it only, in my opinion, from the point of view of tasks to be performed.

Q. Just so that we have some basis for an understanding, suppose that I call to your attention what Himmler said about it in 1937. I think you would accept the word of Himmler, wouldn't you? This is a speech by Himmler on the organization and obligations of the SS and the police. "I now come to the organization of the

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SS...Besides the general SS, there is the Death's Head, the SD, and the Race and Population System. I shall now discuss x individual units in some detail." This shows that, at that time, Himmler considered the SD as part of the SS, doesn't it?

A. In this instance, he discusses the formation SD.

Q. Then I pass further along, when he comes to the SD specifically. "I now come to the security service. It is the great ideological intelligence service of the xx Party and, in the long run, also of the x State. During the time of struggle x for power, it was the only intelligence service of the SS. At that time we had, for quite natural reasons, an intelligence service with the regiments, battalions, and companies. We had to know what was xxxx going on on the opponent's side--whether the x Communists were holding xmeeting or not, and similar things. I separated this service in 1931 from the units of the general SS because I considered it to be wrong. The secrecy was endangered; the men were too likely to discuss xxxxxxxx everyday problems." That indicates that he was talking about the SD as an intelligence service, doesn't it?

A. It is very difficult to discuss this question without also discussing the development of the SD from 1931 to 1939.

Q. Yes, I think we know generally the development of the SD over that period of time. The question is as to what Himmler thought about the SD in 1937 when this speech was made. In any event, I would like to ask you just what spheres of life the SD investigated in general.

A. All.

Q. Well, for example.

A. Law, administration, public health, education, science, culture, food, commerce, banking and stock exchange, labor and social work.

Q. That's enough. I x want to call your attention to one thing. ~~In~~ Not twenty minutes ago you said that education was not a sphere of life in which the SD

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was concerned. Now you say it is.

A. I ~~xxix~~ said previously, not school--but education.

MR. HARRIS:

~~Qx~~ Just to get the records clear, we will have the stenographer read her notes.

(~~Correction~~ Notes read: "The school is not a sphere of life, but education is.")

BY MR. HARRIS:

Q. I want you to hear what Himmler had to say about education as a sphere of life. "The security police service was already separated from the troops in 1931, and separately organized. ~~Itxix~~ Its higher headquarters coincide today with the ~~oberabschnitt~~ oberabschnitt and the abschnitt. It has its own officials and a great number of men in its command posts. At least 4,000 men when it is built up. The spheres which it handles are ~~[illegible]~~ Communism, Judaism, Free Masonry, activities of reaction aries. Here, too, the details of the work are not of interest. The security service is only interested in the great ideological ~~pb~~ problems." Now, isn't it a fact that, in that period, the spheres of life that the SD was interested in were, above all, those stated by Himmler?

A. I can only say that it is very difficult to discuss these problems when there has been no interrogation regarding this time. The decisive point is the directive outlining the functions which ultimately transferred all the duties enumerated here to the Gestapo. The reason for that was that the SD, because of its entire structure, was not fit to fulfill these tasks. From within, it had developed the intelligence regarding living spheres. ~~In 1938 July 1938 these functions were transferred over to the Gestapo~~

Q. So that, in July, 1938, these functions were transferred over to the Gestapo?

A. The Gestapo had had these functions before. At that time the security police stopped occupying itself with these functions.

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Q. So the security police transferred these functions to the Gestapo, which was already interested in these functions?

A. Yes. But previously to that it must be stated that the SD did not occupy itself, for instance, with the individual Jew--but rather with the entire Jewish problem.

Q. Now you have identified this decree as separating the functions as of July, 1938. I want to call your attention again to document 1638 PS in that regard.

A. May I say here that the functional directive was issued in July, 1938, and in the course of time was executed. I said that I remembered July as an approximate date. It may have been June or August.

Q. At any rate this decree of July, 1938 was published after this so-called "separational" function.

A. No, it was a functional directive which ordered this separation of functions.

Q. I am referring now to an order appearing in the 1938 Reichsministerialblatt, which you looked at this morning, which is dated 11 November 1938. This decree was issued after this functional directive. Correct? I suggest that, as a result of this functional separation, the SD then was placed in a position where, rather than participate actively in the spheres of influence concerned with oppositional groups, its function in that connection was one of support of the security police which had the primary responsibility.

A. That it says in the directive, and I stated this morning how that happened to come about.

Q. All I am concerned with here is what the law said; and you have answered the question.

(The Commission adjourned at 1655 hours.)

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The foregoing is a true and correct transcript of the testimony of ROLF HEINZ HOEPPNER, taken on 24 June 1946

Bernice Winkler
Reporter (pp 1-11 & 25-36

Rolf Noll
Reporter (pp 12-24 & 37-50

CERTIFIED TO :

Geo. Taylor
Commissioner

H1088-0053

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

24 June 1946.

COMMISSIONER :

Mr. George R. Taylor.

THE S D

(The Commission convened at 1000 hours.)

ROLF-HEINZ HOPPENER, a witness, took the stand and testified as follows :

MR. TAYLOR ; Will the witness be reminded that he is still under oath?

THE WITNESS : Yes Sir.

MR. TAYLOR : Proceed.

DIRECT EXAMINATION RESUMED

By Dr. GARVIN --------

Q Describe briefly the contents and meaning of the so-called Funktionsbefehl, functions order.

A The so-called Funktionsbefehl (functions order) is one of the most important documents determining the defense of labor between the Stapo and Security Police. If I remember correct it is dated July 1, 1938. That order distributed the intelligence service as follows : the intelligence concerning domestic enemies, as for instance Jews and Free Masons were given to the Gestapo, and the SD was given intelligence on the spheres of life. The purpose of the order was to diminish all possible frictions between

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the Stapo and SD, and to make very clear what should be the function of each.

Q Was there a need for the Stapo to use the SD as supply of information and intelligence?

A No, the Stapo had an information intelligence service of its own, and it had in addition to the information service, executive powers which the SD did not have and those executive powers were most needed for confiscation and other acts which the Stapo carried on in investigating forbidden secret organizations.

Q Are you in a position on the basis of your own knowledge to give more details about the intelligence service of t Stapo?

A No, I don't have such knowledge.

Q Did you know which department of the Stapo was in charge of the intelligence service?

A The department IV. N.

Q Did department No. 3 of the RSHA carry on any investigations in the spheres of life?

A No, in that field which we called spheres of life, the department No. 3 did not have to fill any police functions. It rather collected news and investigated how measures were received by the population. It particularly was not necessary to fill police functions, because there existed in each of the spheres of life, a special police organization, as for instance, in economics there was a police force, price control, etc.; department No. 3 filld only observing and reporting functions.

Q Was the SD a police system?

A No.

Q Did the SD belong to a police system?

A No, the SD was an independent news-collecting organ ization.

H1088-0055

Q Was the SD a police element, and that expression makes reference to a statement by the prosecution of February 28, 1946, which is contained in the German proceedings, page 5202?

A I don't quite understand the expression police element. If it should mean that the SD might be regarded as a part of the police force, then again I have to answer in the negative.

Q Could you tell us your reason for the last three answers which were no? Do you want to add something?

A At first I would like to reiterate the thing I said Saturday in regard to the tasks, methods, interests, and aims for distinction between SD and Gestapo, and things which were valid. They, of course, were equally valid in regard to the news service both of the SD and Gestapo. May I illustrate what I just said by one example. The attitude of the Gestapo toward the group which was considered illegal was that this group should be surveyed and supervised, and if an order by the State was existing that steps should be taken against prohibiting the group. The attitude of the SD, however, was that one was dealing with a certain group function which had certain definite aims and the attitude of the SD that was a group with certain aims, and that one had to consider it rather as an industrial phenomenon and one had to determine the consequence of that forbidden group on the various spheres of life. Particularly, it was the task and intention of the SD to determine whether there might have been certain ideas in that forbidden group which were good and right, and it actually happened that in our reports such a group was represented with its own opinions. The Chief of Department 3, for instance, was involved in general strong arguments, because he favored a prohibited organization which was so-called Anthroposopho. The second instance which I would like to give to demonstrate the difference

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between the intelligence service of the Gestapo and SD would be the following. the entire network of honorary collaborators and agents who worked for the SD was not selected from the point of view of police work and would not have been suitable for police work. The selection of those SD agents had to be carried from the point of character and professional qualifications, and above all whether they were critical observers who could report on facts, state of affairs, and opinions.

Q Was it the purpose of your observing activities to fight and to eliminate groups or what was the purpose of your work?

A I can only repeat what I said, that the only purpose of our observing those groups, if they were at all of domestic interests, to consider them as intellectual phenomenon and to present the findings and evaluations to the leadership, but that was actually not at all the main task of the SD, but rather to investigate and to report the moods of the population, their reactions to certain measures and to inform the leadership of that situation.

Q I'm submitting to you an order No. A 166 - 37, issued November 20, 1937, contained in the volume of ordnances and orders of the Party Chancellory, Volume No. 2, page 432, and the order is entitles, "Reporting on Treason of Activities to the Gestapo".

A This order merely verifies what I said. Although the SD has been called the intelligence tool of the Party, all reports on activities which were considered treason were sent to the Gestapo and not to the SD.

Q Did the SD have an executive?

A No, many orders proved quite clear that no executive existed. I would make reference to two orders - one which forbids members of the SD to perform any arrests, because arrests could be

H1088-0057

made only by those who had the identification badges of the Security Police, and a number of the identification papers stated expressively that the bearer of that paper was entitled to perform arrests. A second order I would like to mention is one which expressively states that the right of confiscation rests exclusively with the Security Police.

Q Was an attempt made to secure an executive power for the SD - at least in a number of spheres of life?

A No, and if such an attempt ever would have been made, the Chief of Office No. 3 would have rejected such attempt more emphatically on the basis of his opinion about the functions which office No. 3 should fill, because any performance of executive functions inevidently leads to stressing of individual cases and fir broad news service, the individual case can fill only the function of characteristic examples, never more.

Q Did the functionaries of the SD, both the paid officials and the honorary officials, realize that they did not have any executive powers?

A Yesm because in our training efforts this point has been repeatedly stressed.

Q And did the SD have identification badges?

A As i stated already - no.

Q Did there exist in the daily work a union between the Gestapo and SD or in other orders? How was the cooperation and collaboration between the SD and Gestapo?

A That can be simply answered by saying that the collaboration was the same as between any other officials and authorities in general, which meant in practice that there was often more close cooperation and collaboration between the SD and Criminal Police than between the SD and Gestapo. The reason was that the Criminal Police was active in certain fields in which

H1088-0058

the SD was particularly interested too. One example would br the collaboration we had in regard to youths or the collaboration we had in fighting corruption, where the work of the Criminal Police may wish important examples of generally stated effects. In that connection I might also point out the collaboration which existed between the SD and the Economic Chambers of the Gaus, and we had far more contact with such a party than we had with the Gestapo.

Q As far as there did exist cooperation between the SD and Security Police, was it for the purpose of committing crimes against the peace, against the laws of war or against humanity or what was the purpose - or to assist conspirators?

A The purpose was neither to commit crimes, nor assist conspirators. The purpose was merely to furnish information which officials and authorities needed for the performance of their tasks.

Q The German text of the Trial Brief, Page No. 13, speaks of concentrated efforts, cooperative between Stapo and SD. is that expression justified?

A No, that expression is not justified. To use that expression with justification it would have to be necessary that there would have existed far more unity and union between the two organizations than actually existed when they did cooperate.

Q Was the SD a means of collecting news and intelli for the Gestapo?

A No, and the Gestapo never made such a request of the SD.

Q Was the SD a domestic espionage system?

A I believed I answered a similar question on Saturday already in the negative.

Q Was it the task of the SD to refer individual case for executive acts to the Gestapo?

H1088-0059

A No, it didn't belong to the SD functions.

Q Witness, Oldach, stated before this Commission on June 10, page 703 in the German text of the proceedings, that the SD sent to his office directly reports on crimes committed, and he was asked the following question to which he answered "YES". "Then there was not a special news or intelligence service, because all the reports came directly to your office?" Express yourself on that.

MR. TAYLOR : I think the witness has very thoroughly covered most of the answers to the questions you put to him this morning. Seems to me that it is more or less a repetition of which you asked him Saturday. It may not be correct but if my memory serves me. the witness has given explanations and answers concerning

H1088-0060

Amt 3 to the questions you asked this morning. They seem to be a repitition.

DR. GAWLIK: The questions which I asked today result all from the Trial Brief and some of them take into consideration new points which were raised by the Trial Brief.

MR. TAYLOR: Very well.

DR. GAWLIK: But if the Commission should feel that the relationship of the SD to the Gestapo has already been sufficiently clarified, I could, of course, shorten my questioning considerably.

MR. TAY LOR: It is the Commissioner's observation only and not a ruling or opinion that you have sufficiently covered it. That is up to you, but I just mentioned that it happened to be a repetition. I'm not making any ruling on that. Go ahead.

A I have the impression on the basis of those proceedings that some question must have been misunderstood.

Q You are not to interpret. You are to tell exclusively what you think of that statement that witness, Oldach, has made.

Q It is not correct that any news intelligence material was sent directly to the Gestapo office. If Oldach speaks of reports, then he presumably meant that reports on individual cases were sent to to Gestapo, because it alone, the Gestapo, was to deal with such individual cases. I may say that the witness a few lines down stated that there was no connection between the SD and that the SD hdd nothing to do with all this.

Q If it should have happened in the city of Schwerin, would you think it was only a matter of local circumstances or how would you explain that?

A I don't know how large a number of cases witness, Oldbach, had in mind, but my assumption would be that he referred to onlya few cases which by mistake were sent to the SD and which then were forwarded to the Gestapo who was competent to deal with them, or I could re-emphasize that it was not the task of the SD to follow up reports on political cases and incidents.

Q If such reports on individual cases were sent on to the Gestapo, were those reports suitable material for the Gestapo to take individual action?

A On the basis of my experience I might divide the reports which we sent on to the Gestapo into three categories. The first category would be

H1088-0061

general reports on consideration of the mood and attitude of the population which would be sent by the Chief of Office #3 to that of office #4, or to the officials of the SD to the Gestapo, and that would have not been exactly the same manner as we would forward reports to other offices or authorities. The second kind of reports one could characterize by saying that they might refer to the Gestapo as an authority in charge of a certain sphere of life. One example would be a campaign which was initiated after July 20, 1944, and the court name of that campaign was Gitter which stands for fence. That campaign which I believe was ordered by the Fuehrer himself was to arrest all Communists and Socialists counsel not of State Counsel, City Counsel or former members of those Parties. In one day after that campaign had been carried out, the SD outposts reported from practically all parts of the countr that that campaign had created much indignation everywhere, because it was concerned with the fact which had been inreality eleven years ago. In many cases, the sons of those arrested people were killed in the War or had received high distinctions. In various cases those people who had been arrested as former functioners of the Socialist and Communist Parties had cooperated in the Nazi Party, and all those reports were summarized in one report which then was forwarded to group 4, so that they would know what results the campaign Gitter had, and office #4 appreciated that summariz report particularly because it had presented that order from the very beginning and it used that report to prove to the State leadership that that order should be revoked, and I learned incidentally at that time that many officials of the Gestapo aided protection against that order and the third category of reports which we sent to the Gestapo were such reports which belonged to the Gestapo, because it alone was competent of dealing with them. That means that those reports from the beginning had reached the SD only by mistake, because people had not kept apart clearly the functions and competence of the SD and Gestapo.

Q The proceedings on page 1675 of the German test claimed thatit was the function of the SD to bring to the attention of the Gestapo the most important, most insignificant remarks of every German citizen, is that correct

A If we would have made such a demand to our honorary agents, they would have all resigned from their offices, because they would not have been

H1088-0062

in accordance with the principles of selection which we observed.

Q If the SD quoted critical remarks of individuals in its report, would such report mention those individuals by name?

A No, the individual case was always used only as an example, and our report would not say Mr. Smith or Mr. Jones stated as follows, but rather would say among labor servants or civil servants or among intellectuals, one spoke as follows, and the quoted remark would be given without mentioning the circumstances underwhich it was made, when, where, by whom, why or how.

Q The prosecution has used a book by Dr. Werner Best, P.S. 1852, which is quoted on page 16 on the German text of the proceedings and by which the prosecution tried to prove that it was the task of the SD to assist the Security Police. Was Best well acquainted with the tasks, methods, and functions of the SD?

A Best was an outstanding man as far as police and police law was concerned. As an assistant to Heydrich, of course, he was acquainted also with tasks of the SD, but he had certain opinions in that field which were merely and exclusively his personal opinions, and which not at all were the opinions of the SD.

Q Express yourself in regard to the claim made by Best that it was the purpose of the SD to assist the Sipo, respectively to be an assistant tool of the Stapo.

A First of all I want to state that this book was developed out of a lecture which Best gave on German Police Laws, and it presents not only a description of things as they actually were, but also his personal scientific opinions. Best's position in regard to the functions of the SD can be understood only on the basis of his concept of the Police. On page 13, he calls his concept of the police an ethnic, and his definition of the function of the police was to protect the people of the ethnic unit against disturbances and destruction which would mean that his concept of the police was tremendously broad, so broad that it practically did include all kinds of administrative functions. I do find a quotation on page 62 which does show quite clearly that Best's book was a scientific study and not a mere description of existing conditions, and that he was much too close to the actual evidence to be able to describe them fairly without mistakes. He claims that the office of the Chief of the Security Police and the SD was called RSHA without the Reich

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Minister of the Interior. This is entirely incorrect, because the office to which he is referring was a so-called chief office of the Security Police to which, for instance, the domestic and foreign intelligence service did not belong at all. A few remarks still to his statements on the functions of the SD - first of all that book was written before the issurance of the Funktionsbefehl (Functions Order).

LT. COMMDR. HARRIS: What is the date of that book?

DR. GAWLIK: 1940.

LT. COMMDR: HARRIS: What is the date of the order which is referred to?

DR. GAWLIK: 1938.

A I should clarify my last statement as follows. The defense of the formation of SD as given by Best shows quite clearly that it must have been written before that Functions Order has been issued. Secondly, Best does not draw clearly enough a separation line between the intelligence services for observing domestic enemies and the intelligence service which is concerned with the spheres of life, but even for the time preceding the issuance of that Functions Order, the description given by Best is incorrect, because even at that time the SD was never a mere existing tool of the Gestapo, because it always had been the function of the SD to observe the aims and inner tendencies of a group. It is indistinct to observe in that connection that Best himself stated frequently that the work done by Division 2 - I was very unprofessional and that that work was diminished increasingly until it stopped entirely after the issuance of the Functions Order.

Q In his book Dr. Best furthermore states that for the first time the character of the police with SS has realized the principle of the infiltration of an institution of the people's structure in accordance with the principle of an order has been performed for the first time. Express yourself on that.

A This is nothing but wishful thinking on the part of Mr. Best which was not in accordance at all. Just as much as his concept and definition was the police was not at all in accordance with German Police Law or Foreign Police Law. I believe that most officials or members of the Criminal Police of the Stapo would have been highly embarrassed if anybody would have asked them the general function of the SS.

H1088-0064

Q Document PS-1638 about the cooperation of the agency of the general and inner administration of the SD of November 11, 1938. In this document is also claimed that it was the function of the SD to, by an order, support the Security Police.

A Three things have to be said in explanation of that order. First it was the first convention of any kind between any State authority and the SD. The purpose of that convention was to have one at least official statement of the State authority on the purpose and function of the SD.

MR. TAYLOR: We will have a ten minute recess.

Recess: 1124 hours.

A (Continued from before recess period.) The second reason for the decree was to show to the civil servants that they were permitted to work within the SD. There had been occurrences of cases where civil servants, because they had worked within the SD, were penalized. The third reason was that the Party had not recognized the intelligence service concerning its "spheres of life" section. This intelligence service had emanated from the SD proper.

Q I am now submitting to you PS 1956, January, 1936, Page 1343. This is an article from the Volkischer Beobachter dated January 22, 1936. The article reads, "The Gestapo, the preventative activity of the secret state police, consists primarily in the thorough separation of all enemies in the State in the Reichs territory. As the Secret State Police cannot carry out, in addition to its primary executive tasks, this observation of the enemies of the State, to the extent necessary, there steps alongside to supplement it the Security Service of the Reichs Leader of the SS, set up by the Deputy Fuehrer as the political intelligence service of the movement, which puts a large part of the forces of the movement mobilized by it into the service of the security of the state. The Secret State Police takes the necessary preventive measures against the enemies of the state on the basis of the results of the observation." Will you please particularly take into consideration the fact that the Reichssicherheitshauptamt was established in 1939? Will you please inform us whether, in your view, this description of the relationship between the state police and the SD is correctly described

A We must first take into consideration the fact that this is definitely a propaganda article, a propaganda article concerning the Gestapo and not the SD. It is important to consider that this article was written in 1936, that

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the clarifying directive of it, however, was published in 1938. At that time the intelligence service pertaining to spheres of life, which was the task of Amt Three, was in its incipient stage of development. Here, too, the fact remains that the task of living sphere intelligence could not be divulged to the Party.

Q The Prosecution has charged that the cooperation between state police and SD, as time went on, became a closer one. Is this correct?

A No, that is not correct. To the contrary. The cooperation after the division of tasks and respective competencies became rather looser than closer.

Q Furthermore, it is charged that the SD functioned as a general staff for the Gestapo. Please tell us your opinion on that.

A That is a pronounced misunderstanding. I can, however, understand how this misunderstanding arose. Heydrich, in lectures which I attended myself, repeatedly characterized the method of work of the SD as general staff work. He meant that, just as in general staff work, pieces of the mosaic were put together to make a complete picture. The SD was collecting a complete picture of the living spheres, made up of a great many details.

Q Page 1698 of the German document states that Gestapo and SD were established in order to fulfil special tasks in special cases. Is this correct?

A I cannot answer regarding the Gestapo. It is surely not correct where the SD is concerned. The task of the SD was a general one -- the collection of the pieces of a picture derived from the observation of living spheres.

Q Charges supported by affidavits of witnesses have stated that the SD, particularly while being committed, was charged with executive matters. Can you explain that?

A I can only explain that this was done because of a completely false definition of the term "Sicherheitsdienst." Perhaps it was because everything which was done by persons wearing SD on their uniforms was charged to the Sicherheitsdienst. The SD insignia, particularly while being committed, was worn by all officials of the SIPO and also all official personnel -- even if these people did not belong to the SD, special formation of the SS. We

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called these men "uniform wearers."

Q What was the reason why people who had nothing to do with the intelligence service of SD of Amt Three and Amt Six wore a uniform?

A In the first place, members of the SIPO also were members of the special formation of the SD within the SS. Furthermore, it was necessary that everybody in the theatre of operations or in the rear area wear uniforms -- and those uniforms were exactly the gray uniforms with the insignia of the SD.

Q Wouldn't it be to the interest of the state police that the tasks which they fulfilled be made to appear as tasks of the state police?

A Yes. There was a directive of the chief of the Sicherheits police and the SD, which was published by the chief of Amt Four, which stated explicitly that the chiefs of the state police offices and the chiefs of the committal groups and commitment kommandos should pay attention to the fact that not everything appeared to the outside under the name of sicherheitsdiens This directive, at the same time, proves the mix-up of the designations.

Q Furthermore, the Prosecution charges the SD with having created a gro of spies and informers in order to discharge its duties. This is on Page 10 of the German trial brief. Is this correct?

A No.

Q What do you understand under the characterization "agent"?

A I understand under the characterization "agent", a person who brings information.

Q What do you understand by the word "informer"?

A An informer reports cases with the end of having executive action taken for despicable motives.

Q What do you understand by "spy"?

A A spy, contrary to the informer, is sent out to bring back informati

Q The co-workers of the SD -- were they spies, agents or informers?

A No.

Q What were they?

A One must differentiate among several things. In the first place, they were not regularly employed; it was honorary for them. The honorary ones were called "vertauensmanner" or honorary co-workers, and the vertrauensmanner ("men in whom confidence rests") were men who had a confidence in the SD that their

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news would be evaluated correctly -- that the reports of the vertauensmanner would be submitted to the leadership as an example in order to stop bad situations, or in order to be able to take action upon positive suggestions. Furthermore, the vertrauensmanne was a man in whom the SD rested confidence, that out of a decent motive his reports would be objectively correct.

Q What was the difference between the vertrauensmanner of the SD and the informers, agents and spies?

A The action of the vertrauensmanner was a selfless one. They did not wish to have executive action taken upon a case; they did not derive any profit from it. They acted in the interest of their nation.

Q Was it necessary for a vertrauensmanne to be a member of the SS?

A No. He did not have to, and the greatest part of the vertrauensmanner did not belong to the SS.

Q Did the vertrauensmanner have to be members of the Party?

A No, not at all.

Q The Prosecution has stated that the vertrauensmanner worked out of different local offices. Is that correct?

A It is correct, if one wishes to say that they were put in by branch offices of the SD or sectors of the SD. But it is wrong if one wishes to express that there were several local offices supervising each other.

Q Were no agents employed by the interior SD?

A Not in the inland spheres of activity. Only where one could not count on the motives which could not be counted upon with German vertrauensmanner. For instance, where it was a matter of observing the morale of foreign workers. That is where agents were employed.

Q Was it the task of the vertrauensmanner to report on each pronouncement or action directed against Party, State, or leadership? This has been stated on Page 16 of the German translation of the trial brief.

A No.

Q Was it the aim of the vertrauensmanner to keep conspirators in power?

A No. This is disproved by the way in which vertrauensmanner were chosen, as well as by their methods of work.

Q Page 1764, German translation. The Prosecution charges that the

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vertrauensmanner of the SD worked secretly. Is that correct?

A It offers room for misunderstanding, at least. It was public knowledge that there was such a thing as vertrauensmanner, and that these vertrauensmanner busied themselves within the intelligence service regarding spheres of life. Vertrauensmanner were chosen in such a manner as to offer a cross-section of the entire German population in accordance with its professional and social structure. That is why Party membership was not made a condition. In this way we would have received opinions only from Party members. Vertrauensmanner have repeatedly expressed their appreciation of the fact that they were permitted in the SD to voice criticism and that there was opportunity for objective argument there. There were quite a few of these vertrauensmanner who, from a strictly Party point of view, would have had to be considered enemies of the Party. I believe there should be hundreds of affidavits available to that effect.

Q Did the vertrauensmanner have an opportunity to decide upon the use to which their reports would be put?

A No. That was a good thing, because it made it impossible for them to derive any advantage from them.

Q Did the vertrauensmanne hear about the use to which his reports were being put?

A Generally, no.

Q Was the vertrauensmanne acquainted with the tasks of the SD?

A Yes. In individual conferences, in official discussions, again and again, the task of the SD was outlined.

Q Did the vertrauensmanne work under cover?

A That is a concept submitted by the Prosecution.

Q That is why I am asking the question. Wasn't the vertrauensmanne one of the first to use a cover number?

A In the beginning of SD work, the vertrauensmanner had received cover numbers for quite some time in the different sectors. That is to say, they did not sign their names, but their ciphers. This, however, identified their reports as well as if they had been signed with their names. That was because vertrauensmanner who had made reports about bad situations in certain spheres of living were attacked by those responsible for these conditions.

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Q Was that the case also since 1939, since the establishment of the RSHA which is the basis for discussion here?

A I cannot state this for a certainty in the entire Reich, but it was not the case in those offices with which I am familiar. Definitely not at the RSHA, itself.

Q Was the vertrauensmanne part and parcel of the interior SD?

A That is fundamentally a very difficult legal problem.

Q One moment. You are not to answer the legal question, but merely the factual question.

A It is my opinion that it is so, because the SD as an intelligence organization was not complete without these vertrauensmanner.

Q How much knowledge did the vertrauensmanner of the SD have of the functions and tasks of the SIPO and the SD in foreign countries or while in commitment?

A Aside from very few minor exceptions, they knew nothing whatever about it.

Q Did the vertrauensmanner of the SD know the duties of the SIPO?

A No more than the German population in general.

Q Did the SIPO make use of the vertrauensmanner of the SD?

A No.

Q Was the SIPO acquainted with the matter of the vertrauensmanner of the SD?

A No.

Q Were the hoheitstraeger acquainted with the matter of the vertrauensmanner in the SD?

A They frequently claimed to have the right to become acquainted with it but they never were informed of it, and they did not know.

Q Was the voluntary apparatus of the SD transformed as time went on?

A In a certain sense, yes.

Q How?

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A In the first place, because in wartime many vertrauensmanner were drafted into the army or committed to other labor services. Then because professional qualifications came into the foreground when these vertrauensmann were picked. Then, too, because during wartime women had to be used for this work. It was very important to know what effect certain events had on the female population. What their problems were in regard to food, clothing, and so forth.

Q Were the regularly-employed members of the SD voluntary members?

A If one looks at the concept of voluntary membership on the basis of the definition given by the Prosecution in March of this year, only a part of the employed members of the SD were there voluntarily. A great part of the professional members -- which, I should think, were about 50% -- either had to serve there or were detached from the Wehrmacht or from the Waffen SS on the basis of a legal directive.

Q Were the regularly-employed members of the SS by far the larger par

A Yes, most of them.

Q Were they Party members?

A It was not necessary for them to belong to the Party. There were a great number of them who were not Party members -- and neither did they have t belong to the SS.

Q Could the SD employee resign from his position?

A Not during the war.

Q What was the legal situation of the member of the SD regularly employed there?

A Insofar as he was not detached from another office or agency, he was a Party employee.

Q Did the SD member regularly employed there have a decision on whether he was transferred to the occupied territories or not?

A No. He was ordered there without being asked.

Q Could he refuse to be transferred to a kommando in occupied territor

A No. There was an official directive stating that, in wartime, every one had to serve where he was put. This directive contained a clause stating that, unless they have valid reasons for refusing to accept an assignment,

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persons doing so would be put into a concentration camp.

Q Page 61, German translation of the trial brief, quotes a statement by Heydrich in the year 1941 (voiced on the Tag der Deutschen Polizei), "Gestap KRIPO, and SD still are encompassed by the atmosphere of secrecy of political detective stories. The men who perform this work are charged in foreign countries, in particular, with sadistic inhumanity. In the interior there is a ministry of horror and fear, but a certain feeling of security because of their existence."

A In the first place, I shall state that this quotation is removed from its context. As far as the SD is concerned, Heydrich certainly wanted to imply a certain irony.

Q Could you tell us a little more about how Heydrich came to make this statement? Is that a correct statement of the relationship between SD, KRIPO, and Gestapo?

A Nothing is said about their relationship. One could read into this statement that there is a certain connection between them. I believe that Heydrich merely wanted to mention [illegible] so organizations which were subordinate to him. The most important part, to me, seems to be that the German population derived a certain feeling of security from the SD -- for it functioned in the interior.

Q Heydrich here says, "a ministry of fear and horror". Is that justified?

A No. Always further widening circles of the German nation became acquainted with the SD in 1932, 1933, and 1934; and more and more within this they found an opportunity for criticism.

Q What brings Heydrich to make such statements? Have you any explanation for it?

A I believe that it is taken from the context, and that the whole thing is rather ironical.

COLONEL KAREV: The witness is not acquainted with Heydrich. Why should he be asked about him?

DR. GAWLIK: I will go into the next part.

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BY DR. GAWLIK:

Q I refer now to concentration camps. Did the SD in the RSHA issue any directives regarding the installation of concentration camps?

A No.

Q Was the domestic intelligence service, Amt Three, competent for the allocation of concentration camps?

A I only hear about the allocation of concentration camps.

Q Did Amt Three, the domestic intelligence service, ever issue any directives regarding the allocation of concentration camps? I am submitting to you documents D 50 and D 46. Do these statements show you whether the SD was responsible for the installation of concentration camps?

A The offices of the SD did not receive any such orders.

COMMANDER HARRIS: I object to the response of the witness and ask that it be stricken from the records for the reason that he is purporting to testify as to what the documents say, and that translations of the documents which I have in hand show that they were sent for action, among others, to all commanders of the SD; furthermore, that they were sent for information to all inspectors of the security police and the SD. In the case of Document 46, that they were sent to departments one to seven, inclusive.

DR. GAWLIK: Taking into consideration that objection by the Prosecution I do not want the witness to interpret the document. I want to ask him whether the leaders of the SD were responsible for the installation of concentration camps.

COMMANDER HARRIS: My other objection was addressed to the previous answer: I have no objection to this new question being answered.

MR. TAYLOR: The objection of the Prosecution is sustained, and that part of the answer of interpreting the document will be stricken from the record.

BY DR. GAWLIK:

Q I now submit to you Document D 46. The letter is distributed to the deputy of the chief of the SIPO and the SD in Brussels and the higher police chiefs and inspectors of the SIPO and SD at departments one to seven, and the sub-offices of Amt 4 only, up to and including the departments one to seven.

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What do these addresses show in regard to the competency of the SD for the direction of the concentration camps?

A First, it is important that the directive is not addressed to the sectors of the SD, but is sent to the chief offices of the Staatspolizei. The inspector is an office which cannot be characterized as an SD office.

MR. TAYLOR: Has the witness any knowledge or information concerning these orders?

WITNESS: I have just read them.

MR. TAYLOR: Is he competent to interpret these orders?

DR. GAWLIK: Yes. He was long enough connected with the SD.

MR. TAYLOR: Well, he says he has never seen these orders until this moment.

WITNESS: Just because I have not seen them... I may be able to give an answer to the question of direction of concentration camps as part of the functions of the SD.

MR. TAYLOR: Very well. Proceed.

BY DR. GAWLIK:

Q What is the meaning of its being sent to the chiefs of the SIPO and to the chiefs of the SD?

A Departments Three and Four were subordinate to the commander of the SIPO and the SD in a genuine personal union. Since this is a task of the SIPO, the commander of the SIPO and the SD had to be informed of these orders. But that has nothing to do with the task of the SD.

Q What departments of the SIPO and the SD were competent for that?

A Department Four.

Q Does the identifying number show this?

A The identifying number reads 432, and shows that it comes from Amt 4 of the Gestapo.

Q If it would have been the duty of the SD, would there have been identifying initials?

COMMANDER HARRIS: I think that that question has been asked and answered and that we know the answer to it.

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BY DR. GAWLIK:

Q For informative purposes, the inspectors of the SIPO and the SD are mentioned, and also the offices one to seven. Does that show any competency? Will you explain what "for information" means?

A "For information" only means that the other offices were to be informed of the fact that somebody else is installing a concentration camp.

MR. TAYLOR: I think that the instruments speak for themselves and t it is a little irrelevant here to take the time to tell us what the instrument means.

DR. GAWLIK: It was only to explain what the word "information only" means -- which the documents do not show.

BY DR. GAWLIK:

Q The document,D 50, is directed to the commanders of the SIPO and the SD and to the deputy of the chiefs of the SIPO and the SD. Which department of the commanders of the SIPO and the SD and of their deputies was competent here?

A Department Four.

Q Does the identifying signature show this?

A The decree emanates from Office Four, and belongs in the competency of Office Four, and is signed by the chief of Office Four.

Q I am submitting a document -- PS 1063A. It is a decree issued by the chief of the SIPO and the SD, 2 January 1941, showing the organization of concentration camps. Was that a directive emanating from the SIPO or the SD?

A Competency of the SIPO is shown by the identifying mark and the addressees -- which do not show the SD.

(A recess was taken until 1400 hours.)

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ERRATA SHEET

COMMISSION, June 24., 1946.

These concluding pages should number

3835 - 3860.

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OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

COMMISSIONER:

Mr. George R. Taylor 24 June 1946

(The COMMISSION RECONVENED AT 1400 HOURS)

ROLF-HEINZ HOEPPNER - Resumed

DIRECT EXAMINATION -- Continued

MR. TAYLOR: Proceed with further examination ofthe witness.

BY DR. GAWLIK:

Q Did the SD play any part in the putting of people, who were racially or politically undesirable, in concentration camps?

A The SD had nothing to do withthat.

Q I submit to you Document 2477, on swornn affidavit by Mr. Litzenberg of November 4, 1945. If and when the head of the RSHA and chief of Security Police and SD ordered the arrest and putting into a concentration camp of someone, would he act in the capacity of chief of Security Police or chief of the SD?

A He then acted as chief of the Security Police, Sipo.

Q I also show you P. S. 1531, a letter of RSHA of October 26, 1939. Did the SD play any part in the carrying out of the measures described therein?

A No, that can be concluded from the number and initials on the letterhead as well as from the address, and as well as from the signature.

Q By whom is it signed?

A Chief of office #4.

Q Was it a function of the SD to give the Gestapo the names of individuals to be put into concentration camps?

A That did not belong to the tasks of the SD.

Q I show you Document P. S. 1472, which is a telegram of the RSHA of December 16, 1942, referring to the transferral of 45,000 Jews into concentration camps. The telegram is signed Chief of the Security Police and SD, signed Mueller. Is that a measure taken by the Security Police or the SD?

H1088-0077

A This is a measure of the Security Police, as can be learned both by the signature of Mr. Mueller, the head of office #4, the Gestapo, as well asof the filing number IV B 4, which is a Gestapo number.

Q I'll show you document P. S. 1063-D, letter of December 17, 1942, which is directed to a number of offices, inspectors of the Security Police and the SD, and the prosecution concludes from the fact that the fact is mentioned SD in the address of the letter, that the SD cooperated in carrying out the contents of that letter. Will you please express yourself on that?

A That is incorrect, and that can be proven by a number of points. First, that is signed by Mr. Mueller as head of department #4. Secondly, by the file number with the IV C 2. Thirdly by the fact that is shows the department number, then the file number on the head of the letter which also repeats IV C 2, and lastly, to which addresses the letter went were not really SD offices.

Q The letter was addressed to officials who were holding offices both in the Security Police and SD. In what function did they receive the letter?

A The letter went to people who were actually two offices, and it was addressed to them as holding offices in the Security Police.

Q I'm showing Document L-41, Letter of March 23, 1943, concerning the increase of sending people to concentration camps. Would the same hold true as for the preceding document?

A Yes, the same is true.

Q I'm showing you Document 1-63-E, Ordnance of June 25, 1943, regarding the increase of putting people into concentration camps. Is the same true in regard to this letter?

A Yes, the same is true.

Q I show you P. S. 701, a letter of April 21, 1943, a letter written by the Minister of Justice referring to the sending of Poles and Jews from jails. Did the SD cooperate in any way at all in the carrying out of the measures described within that document?

A No, that is purely a Gestapo function.

Q Were employees of the SD used in guarding of concentration camps?

A Certainly not as officials of the SD.

Q Was any sub-unit of the SD used as such in the guarding of concentration camps?

A No.

Q On page 1179-80 of the German text of the proceedings it is claimed that the SD was an espionage service who traced down people for the Gestapo and the Criminal Police. Is that true?

A No, that is incorrect, and I make reference to statements I have made previously.

Q It is stated corrected on page 1737 that the Chief of the Security Police and SD had the authority to determine the length of protective custody. The prosecution concludes from that statement that the SD had a joint responsibility. If he acted in that manner, would he act in his functionas chief of the Security Police or as chief of the SD?

A He acted as chief of the Security Police.

Q Did the SD never learn anything about the affairs in the concentration camps?

A Office #3 of the RSHA of the SD did never receive any reports about the affairs of the concentration camps. If they would have received any, they would have been used in the same manner as other reports were used.

Q I make you acquainted with a statement by Kaltenbrunner, who said that he learned through domestic news and intelligence service about the affairs as they existed in the concentration camps. Would that mean that the SD actually was concerned with the state of affairs as they existed in the concentration camps?

A I can only repeat that no reports about affairs within the concentration camps were received by the SD. If they would have received them, they would have been used as usual, unless Kaltenbrunner is mistaken at all he must have received his reports through individuals who report to him directly.

Q I bring to your knowledge the statements made by Milch on March 11, 1946, page 5632. In the reply to a question who shoed him the concentration camps, he answered "it was one of theofficials of the SD. I assume it was the Commandant of the camp, but I don't remember his name." Express yourself on that.

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A Milch apparently was confused by the fact that there was an SD on the sleeves of the officials who guided him through the camp.

Q The witness, Blaha, in the session of January 11, 1946, and he is man who was at Dachau from 1941 to 1945. He stated in reply to a question: "To which office the men were employed in the camp were attached". He replied, "It was SS men and most of all SD. Around the end there were some members of the Army, but the leading people were all SSmen." Express yourself on that statement.

A Again the same error is obviously here. The witness apparently assumed that everybody who had a SD on his sleeve belonged to the intelligence function of the SD of which we are speaking, but that is wrong.

Q The witness, Francois Bc[illegible] in the session of January 29, page 3454 of the German proceedings statesthe following in regard to the Camp Kuschin. "In the Barracks #2, there were Russian officers, Yugoslavian and French men and even a few Englishmen. Nobody was permitted to go in there with the exception of the two leaders of the SD - that was the Commandant of the Camp and the internal and external Commandant." Express yourself on that?

A That is the same error which is described in answer to the last few questions.

Q I'm submitting to you Document P. S. 1063 B, a letter of July 26, 1943, in regard to the creation of work training camps. Did the SD have any function in the creation of administration of those camps?

A No. You may conclude that from the fact the letter is not addressed to the SD, that the body of the letter speaks of the Gestapo, that many similar orders relate to the work ofthe Gestapo in regard to such work training camps.

Q The letter states that these work training camps were subordinate to the chief of the security police and the SD. In what capacity were they subordinate to those individuals. In his capacity of Security police chief or chief of the SD?

A In his capacity as chief of security police.

Q I now come to the next point which is to prove that it did not belong to the duties and functions of group #3 A to commit crimes against

peace, the laws of war and humanity, and to prove what actually the aims of group #3A have been. What was the structure of group #3A from 1939 to 1945?

A The definition of group #3A was the following: legal questions, administration, ethnic structure and police law. The terms used in that office during the fivd years' period about which you have been asking me, the terms have changed, but the function never changed. In 1939, for instance group 3A was actually called group 3 c, and the subsequent group 3 C was called #3A.

Q We are not interested in such details. Describe briefly the functions of group 3A as they existed around the end of the war.

A The structure was as follows: 3A-1 was concerned with general questions regarding the sphere of life - 3A-2 is legal questions; 3A-3 administrative questions; 3A-4 general ethnic problems, and 3A-5 police law, and that structure was holding true the major part of the period of time which you have been asking me. Office 3A-1 was concerned with two main problems. On general personal problems as existed for the entire group 3, and secondly, general problems concerning the spheres of life. Later on that group 3A-1 was made independent and became 3-S which was directly subordinat to the Chief of the office.

Q The prosecution has charged that the group 3A-1 devoted itself to illegal tasks. I make reference to page 1699 of the German proceedings. I, therefore, consider it necessary that you give a few details on the activities of office 3A-1. Perhaps you can give a few examples of the actual work done by 3A-1.

A I stated already that 3A-1 was concerned with personal problems concerning all employees of group 3.

Q They are not of interest. We are interested in other fields of activity?

A Furthermore we were concerned with general problems concerning the methods employed in the spheres of life. There was nothing else we did. For instance, we studied and worked overthe manuscripts of lectures somebody wanted to render in regard to the SD. I might say that the main importance of 3A-1 was in the field of organization.

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Q Express yourself on the claim that the work done by 3A-1 was of an illegal nature.

LT. COMDR. HARRIS: I don't recall anywhere in the proceedings that it was contended that the work of 3A-1 was illegal. Now it may have come into the record at some other time. What page of the record are you referring to?

DR. GAWLIK: German text, page 1699.

A May I add a few words. Department 3A-1 was not dealing with any question of an illegal nature. We were not even dealing with secret matters there. Secret was neitherthe fact that group 3A-1 existed nor wereits functions and methods secret. Secret was only the individual summarizing report and the concrete network of the SD staff, and that for reasons rather obvious. It would have been most undesirable for foreign intelligence services to get ahold of one or some of the reports about the mood and temper of the German people, and therefore these reports were governed by those rules of secrecy which were prevailing. It is also true that the functions of group 3A-1 were exactly the same on all levels of organization - both at the outposts and inner offices and at the main

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offices.

Q Describe very briefly the structure and functions of group 3A-2 .

A Group 3A-2 was concerned with the result and consequenc of legal matters on German people - laws and decisions of courts on the German people.

Q Give a few characteristic examples.

A One main problem with which we were concerned was the security of the laws. That means that the same crime got the same penalty. Certain people felt that for the same crime not the same penalty and not penalty of the same length, and, therefore, the security and honesty of the law was endangered. Or another matter we were concerned about was whether the same crime was always treated in the same manner or whether it was as the German proverb goes that the little ones are hanged and the big ones are going free. Another thing we were concerned about was the claim that in certain legal fields, the laws were incomprehensive, and it was difficult to find your way throug h the jungle of legal ordnances. For instance, that was often claimed in the field of economic laws, as there were too many restrictions - nobody can find his way through them. The office 3A-2 also cooperated in the observation of a general reform of the law. One question, for instance, was the position of the justive of the people in a future panel law. Report observations were collected both among professional and laymen. They were studied in the different offices and collected and summarized in the RSHA, main office, and the summary report was given to the state authority concerned-in that case the Reich Ministry of Justice.

Q Describe very briefly functions and activities of group 3A-3.

A It was concerned with the results of administrative measures of the population.

Q A few examples.

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A An example from the last year of the war was the resul which the air warfare had on administration. It was described furthermore how many difficulties were created by the fact that there were overlaping competence of different offices and authorities. It was tabulated how many authorities were considered competent in different situations. I remember, for instance, that no less than thirty (30) authorities were concerned if an individual wanted to present some structure. The general problem of a reform of administration in Germany was one of the most important problems we were concerned with. Reports and observations by people interested in problems of administration, both administrative officials and laymen and scientists who were concerned with administration in general - the parts of all those offices were collected and tabulated in a summary report.

Q What were the duties of group 3A-4?

A 3A-4 was concerned with general problems regarding the attitude and moods of the population, where it mattered first that periodical reports should be given on the mood and the attitude of the people, and secondly, in addition to such general reports, specific problems were picked up and made subject of separate investigation. One example would be, for instance, the reaction to the people of the air bombardments, or another example, was to ascertain how much the reports given by soldiers who were on furloughs- how much those reports influenced the mood and attitude of the people. That department was also concerned with general women's problems.

Q Describe very briefly the activities of 3A-5.

A 3A-5 was concerned with questions of police nature and the technique of legislation. A few examples - first of all the police and its problems were considered as one sphere of life. Secondly the department was concerned with the general definition of the contact of police. That means that all matters referring to police were collected and made available through that department, and lastly, the department 3A-5 had to express

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itself on the formulation of certain legal terms.

Q Was it the purpose of group 3A to hold in power conspirators whose intention it was to comit crimes against the peace, against the laws of war, or against humanity, or to help in carrying out these crimes?

A At no time was that the purpose of group 3A.

Q If not, then what was the general purpose of the work of group 3A?

A The purpose of the activities of group 3A were just as the purposes of group 3 in general. - To measure and to determine the results of certain facts and measures on the German people and particularly on those spheres of life which were the concern of group 3A - aim was to get rid of undesirable developments, or to initiate corrective measures which had been suggested in a constructive way by the people who had been interviewed in the course of the investigations made by group 3.

Q On page 1702, the prosecution has charged that it was one of the main tasks of the SD the real ideological enemy of Nazi rule and two, to keep in power Hitler and his Nazi leaders. The prosecution understands under Nazi rule and Nazi leaders, those conspirators - that means participants in secret agreement for the commitment of crimes against peace, war crimes and crimes against humanity. What do you have to say to that? Answer that question in regard to group 3A and the period of time from 1939 to 1945.

A I cannot accept that to be the task of 3A, and I must make reference to my last answer.

Q Was it the purpose of group 3A to facilitate the Party in commitment of crimes against peace, humanity and war crimes. This question makes reference to page 2831 of the German proceedings. Answer that question in regard to group 3A and time beginning in 1939.

A No. As far as reports were given by the SD to the Party, then it was in regard to wishes or desires of the population which had been expressed, and that was done to enable the

Party to feel those desires and to alleviate the conditions about which people had complained.

Q If it should and could be proven that individual members of the office 3A had committed such crimes, would that mean that those crimes were committed not within the framework of the group 3A?

A Yes.

Q Was it ever made public in group 3A that the SD was used for the committal of crimes against peace, war crimes, and crimes against humanity?

A No, I never learned anything of that kind.

MR. TAYLOR: Counsel, it appears to me that he has answered the question of crimes against peace, crimes against humanity, etc. in connection with the group 3A about six or seven times. The Commission can't see where you are introducing any new evidence as to defense by this witness.

DR. GAWLIK: I'm coming to the next part.

Q Did the SD maintain any courts to sentence Jews, Poles, Ukranians, and Gypsies?

A The domestic intelligence of the SD, office No. 3 did not maintain any court of that kind.

Q I show you Document P.S. 654, which is an exchange between Himmler and Thierack, regarding the sentencing of Poles, Jews, Ukranians and Gypsies. Were those people sentenced by the SD?

COLONEL KAREV: The witness has stated time and time that the SD did not have any executive power. Therefore, it is obviously a waste of time to spend our time with questions which always will be answered in the negative.

MR. TAYLOR: I think the prosecution's suggestion is correct, I have been trying to get defense counsel to see it in that light - that this witness has already given a very clear and concise explanation on the activities of what he is testifying about and the last few minutes has just been a repetition.

DR. GAWLIK: If the Commission should have that feeling, of

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course, I should gladly agree, but there are only five questions remaining which I desire to ask, but it is a special point of the Trial Brief - G H of the Trial Brief which claims that the SD maintained summary courts against Jews, Poles, Russians, Ukranians, and the prosecution has produced documents which claim to support that point, and I have six questions altogether in regard to that one point. If the prosecution too should be convinced that these points cannot be maintained, I should be glad to drop those questions. Otherwise, as defense, I am compelled to ask those questions.

COLONEL KAREV: The prosecution is not willing to drop those points, but of course, it is our conviction that if the answer to the question is no, then the witness is responsible for that answer.

DR. GAWLIK: That group H is an entirely new point claiming existence of summary points of the SD. I cannot drop that point and I have to ask those six questions covering that one point.

COLONEL KAREV: It seems that the witness expressed himself quite clearly on the functions of the SD as he understands them, and it cannot be expected that he would bring up any new material in any further questions.

DR. GAWLIK: I think I should be granted the opportunity to give the witness who was holding a leading position in the SD to express himself on the document of the prosecution. All these questions would be answered by now, because there are only a few.

MR. TAYLOR: Very well, proceed, but make an effort to confine yourself to important and material questions.

Q Were the people sentenced by SD courts?

A No.

Q Document L-316 of the prosecution, concerning the treatment of the Poles and other members of Eastern peoples. Were those people sentenced by the SD?

A That document makes reference to the same group of people as previous documents, and the ordnances to which that letter refers was as a whole never published.

Q For what group of people was special treatment planned? Do you know that or don't you?

A I believe that there was a special regulation made in regard to Jews, and that was done, if I remember correctly, in one of the instructions of how the citizenship law should be carried out.

Q If the SD had nothing to do with the sentencing of these individuals, why was that letter addressed to offices of the SD?

A If the prosecution and sentencing of Poles and other Eastern people actually would have been transferred to the Poles, then, of course, that would have resulted in certain expressions - both in the legal profession and people in general and people concerned would have to prepare the SD for such a study - for mood and attitude it was necessary to inform the SD of such contemplations which were not legal procedure.

DR. GAWLIK: No further questions.

MR. TAYLOR: The Commission will take a ten minute recess.

Recess 1515 hours.

H1088-0088

CROSS-EXAMINATION

BY COMMANDER HARRIS:

Q When were you born ?

A February 24, 1910.

Q What university education did you have ?

A I attended universities in Freiburg, Halle, Saale, Bonn, and Leipzig.

Q Did you receive a degree ?

A I did not take the doctor's degree--only the state examination, senior government councillor in civil service.

Q What did you do before you entered the SD ?

A I studied, and at the same time I served in preparatory duties in the SD. During that period, I already was active on an honorary basis in the SD.

Q So your whole professional period has been in the SD ?

A With the exception of three years of preparatory duty. I had practical experience in law, because I was instructed in all the different sections of the law.

Q When did you join the SS ?

A Simultaneously with the time that I joined the SD- - in the Spring of 1934.

Q When did you join the Nazi Party ?

A On September 1, 1930.

Q Were you a member of the SA ?

A Yes, beginning April, 1931, until I entered the SS.

Q And you considered yourself, all during this time, to be a loyal supporter of National Socialism ?

A Yes.

Q And you believed in the basic philosophy of National Socialism as laid down by Hitler?

A I believed that Nationalism Socialism was a philosophy which, during the time it was alive, was necessary.

Q And you gave all of your support to that philosophy of National Socialism and to its leadership ?

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A Those are two entirely different things.

Q First, then, you gave your entire support to National Socialism ?

A Yes.

Q And you gave your full support to the leadership of National Socialism ?

A As far as the leadership adhered to the basic principles as laid down before the seizure of power on January 13, 1933.

Q One of the functions of the SD, and one of the functions in which you were personally interested, was seeing to it that the leadership did adhere to the policy of National Socialism ?

A That is not expressed quite correctly. It was one of the tasks of the SD to find out whether certain developments which occurred in the leadership would be to the detriment of the masses of people. That was the reason for the development of the task pertaining to living spheres--that we should find out about developments that referred to people in leadership circles. So it became necessary for us to find out the reason for these developments.

Q So it was your duty to report any infractions of duty in the case of the leadership, so that that man could be eliminated?

A So that a change could be made in the situation which caused such developments.

Q Particularly if such bad developments occurred among the leaders of the Party, you took a special action to see that was reported?

A Those were developments like all others--nothing in particular.

Q So you were concerned in seeing to it that the leadership of the Party remained faithful to the principles of National Socialism ?

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A No, we were not a supervisory organ of the Party.

Q You are not suggesting that you were disinterested in finding out whether the leaders of the Party were faithful to the principles of the National Socialist Party ?

A It was one of the basic functions of the SD not to change anything by executive action; but its task was fulfilled when such things were merely reported.

Q Yes, and you reported any cases of wavering on the part of the leadership from the principles of National Socialism ?

A The perspective is wrong. We did not report on the wavering of the leadership, but we reported on the reaction of the masses of the people to the measures of leadership.

Q I am talking about, not the top leadership, but the leadership farther down in the Party. You were particularly concerned--and the SD as an organization was particularly concerned--that the leaders farther down were always faithful to the principles of National Socialism, weren't you ?

A No. We observed the people, and we found out what effect the measures of the leadership--also the intermediary leadership--had on the people.

Q And among the people that you observed were Party members ?

A We did not observe people, We observed spheres of life.

Q Yes, and in the spheres of life there were members of the Party. You have already testified to that this morning.

A Yes.

Q And you were particularly concerned that the reaction of these people who were in the Party, and who were leaders of the people, was consistent with the principles of National Socialism ?

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A That is the point of view which I have just rejected. We did not observe the people, but the effect on the entire population. The focus was directed to the individuals and to the total mass of the individuals.

Q What were your duties when you were in charge of the press in the Oberabschnitt ?

A It was my first assignment. It was merely that I had to report to the Fuehrer of the Oberhauptamt on the contents of the press.

Q What press? The public press or the secret press, or both ?

A First, the public press--and there hardly was any secret press. If at any time, which happened very rarely, a clandestine leaflet fell into our hands, it was the duty of the Gestapo to take action against the publishers of this leaflet. If we found it--not if the Gestapo found it. It was almost always the case that the Gestapo knew about it before we did. All gendarmerie and landrat officers had to bring in immediately any such leaflets.

Q Yes, but you in the SD had by far the largest network of informers. You had thousands of informers to the Gestapo's hundreds.

A But our vertrauensmanner were not informers who were sent into some organization. They were vertrauensmanner who observed the population.

Q And, in observing the population, as far as the press was concerned was there a duty to bring in to you copies of the publications they found ?

A They were not to be submitted to us, but to the police.

Q Then the "V-Men" actually submitted information directly to the police ?

A It had nothing to do with the fact that they were V-Men; it was the duty of every German to immediately turn in any illegal publication to the police. The continuation

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of illegal parties was considered by law to be high treason, and the distribution of such leaflets was, according to the German jurisprudence, to be considered an accomplice to the deed. Those things had nothing to do with the task of the SD.

Q Well, the fact is that the V-Men did encounter leaflets; whether they were, in their opinion, treasonable or not, if they had information valuable to you, they brought them in, didn't they ?

A I do not know of any such cases.

Q Well, what did you report in the press ?

A I reported on the entire contents of the paper so that he would not have to read the paper himself. The report was organized into foreign policies, internal policies, cultural policies. My basic duty as an SD man was to report on the effect of the make-up of the paper on the German population.

Q And the fact that you reported the effect on the German population was so that, if the leadership felt that that paper was having an injurious effect upon the people, appropriate action could be taken by the Gestapo or some other agency to control it ?

A The purpose was that the paper should be written in such a manner that the German population really would read it with interest, so that everybody would not say every paper had the same contents.

Q If there was anything which you noticed in the press which was a reaction against National Socialism, you underlined that in your report ?

A Such a thing never happened. The papers in the most part were boring. At the moment we are referring to a period from 1934 to 1935, when the entire duties of the SD were in a stage of development; one could refer to it as the embryonic stage of the intelligence service. The

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entire development of the structure of the organization has not been discussed, because I have been interrogated only about the period after 1939.

Q I am asking you now about your personal experience in the SD.

A Yes.

Q What were your duties in the SD Oberabschnitt in the years 1936-1940 ?

A At that time I was not in the Oberabschnitt, but I was Stabsfuehrer of the Leitabschnitt--beginning the first of November, 1937. As previously stated, I was on leave during the months before.

Q I think that the questions are clear enough. We want to cover this as quickly as possible. I simply asked you what your duties were in the Oberabschnitt in Dresden in 1937 ?

A I was Stabsfuehrer at that time in Oberabschnitt Dresden. There was no such rank later.

Q I didn't ask you your rank. What were your duties?

A I was deputy of the Abschnittsfuehrer and managed the entire interior proceedings. I inspected the intelligence service net, in particular, and saw to it, again and again, that the branch offices enlarged their intelligence nets. That was the period when the enlarging of the intelligence nets was the most important part of the SD.

Q What type of intelligence were you gathering at that time ?

A During this time we collected reports regarding the morale and attitude of the population.

Q The attitude toward National Socialism as it was being applied ?

A Attitude and morale.

Q Where did you place your V-Mon ?

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A We solicited V-Men in all layers and circles of the population, whenever we found a decent person willing to cooperate, we spoke to him and asked him to work for us.

Q And you even took people who were not decent persons, you said this morning?

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A. I cannot recall that I said that.

Q. The point is that you took people who weren't loyal to National Socialism.

A. Yes, who took a critical attitude.

Q. And the reason you took those people was that they had access to people who particularly interested you?

A. The reason was that we wished to find out the reactions of the entire population. It would have been a mistake to limit it to Party members. That we developed our task was due to the fact that there was hardly any possibility of criticism anywhere.

Q. And you located V-Men in churches, for example?

A. No. We had V-Men who did not resign from the church. We didn't even ask them.

Q. I didn't say that. I mean that you used V-Men inside the church.

A. Are you referring to the church as an organization, or as an edifice?

Q. As an organization, of course.

A. We interrogated V-Men regarding their attitude and tolerance of religious life.

Q. You know well that you were not interested in the attitude of the V-Men themselves. You were interested in what the V-Men reported about the groups of people in which they circulated, weren't you?

A. Yes.

Q. And you sought to find V-Men in the Catholic Church, for instance?

A. We attempted to find V-Men who reported to us on the effects of measures on the Catholic population.

Q. Yes, and the Catholic Church as an organization?

A. My own experience does not embrace any area where the Catholic Church at that time as an organization had any influence.

Q. Then you sought to place them in the Protestant Church?

A. But not for the purpose which the Prosecution seem to imply -- in order to spy on the Church. We placed them there rather to find out what people who belonged to such circles had to object to in certain measures.

H1088-0096

Q. And you placed your informers in factories, in schools, and in every place where you thought they would have access to large groups of people?

A. The V-Men were chosed from the people, and they were a part of the people. We did not place a V-Man in the school, but we asked for a report concerning the school -- for instance, regarding the relationship of the school's political youth. It had become one of the most serious problems particularly in later times, that two lines of education, which were attacking each other, affected the German youth. It led to such things as there hardly being any young people who wanted to become teachers. But these things go too much into detail, and the professional experts would be much more qualified to talk about them.

Q. I agree that we are going too much into detail, and the reason is that you are not answering the questions I ask. The question I put to you was a very simple one, and it was this: Did you seek to locate V-Men in the Church, in the School, in the Factory -- throughout the life of the German people, in every section?

A. We intended to have V-Men in all spheres of life. The School is not a sphere of life, but education is.

Q. MR. TAYLOR: Will the witness be reminded that it is only necessary for him to answer the questions of counsel. I am sure that, if he wants to know the details, he will ask them. Listen to the question and reply intelligently, but answer the counsel's question. Proceed.

BY COMMANDER HARRIS:

Q. Now, what were the principal matters that you reported upon? What was the principal intelligence that was collected at the leitabschnitt in Dresden?

A. Intelligence regarding all living spheres.

Q. What did you do during the year 1940 to May, 1941?

A. From January, 1940 until April, 1940 inclusive, I was still in Dresden. Beginning with the first of May, 1940, I was abschnittsfuehrer in Posen.

Q. And you were abschnittsfuehrer in Posen from 1940 to 1944?

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A. Until July, 1944.

Q. Then you went to the RSHA headquarters? That was the first and only time that you served in the headquarters of the RSHA or the SD?

A. Yes, but in my capacity as abschnittsfuehrer I regularly visited Berlin.

Q. Now I am interested in the SD formation of the SS under Kaltenbrunne What were the duries of that SD formation?

A. Is this a question of the "Sonder" formation of the SD?

Q. I don't know. This is the first time I have ever heard of an SD formation of the SS, and I want to know what it was.

A. The first day I was interrogated explicitly about the "Sonder"-formation of the SS. I have stated that the SD formation in the SS consisted of members of the SIPO and SD. I have stated that this formation did not have any special task.

Q. Are you including in this definition the Einsatz group and "Einsatz" commandos?

A. That has nothing to do with that organization. To make Einsatz groups and Einsatz formations, SD men were also put in. The decisive factor is whether, during their attachment to this formation, their duties were that of SD or SIPE character.

Q. Well, as I understand it, then, the SD formation of the SS was just an inactive group.

A. It was, at first, merely a special designation in its own main office. At first, in the central office and, later, in Amt One, the personnel office.

Q. What we are concerned with here is the SD as an intelligence organization. You don't want us to believe that the SD as an intelligence organization developed out of the SS, do you?

A. No.

Q. And it always remained under Himmler as Reichsfuehrer of the SS?

A. Yes/

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Q. And the personnel of the SD served in the various regional offices throughout the Reich and occupied territories.

A. It is important to note here that by far the largest part of the people belonging to the SD were not members of the SS.

Q. That is not the question. You haven't answered the question. I ask you whether the personnel of the SD did not serve in offices throughout the Reich and occupied territories.

A. Of course.

Q. And ther personnel of the SD served in the Einsatz groups and Einsatz kommandos?

A. As much as the personnel of the SIPO.

Q. As far as this matter of the SD not all belonging to the SS, you are including all of the V-Men in that, aren't you?

A. Yes.

Q. And what we are concerned with are the regularly employed members of the SD, who, almost without exception, were members of the SS. Isn't that so?

A. By far the largest part of them was in the SS, but it wasn't such an exception not to belong to the SS-- particularly in wartime.

Q. As a matter of fact, you can't remember three members -- regular officials -- who weren't members of the SS, can you?

A. Yes, I can.

Q. Well, who?

A. There were quite a few people there who were drafted and who wore uniforms.

Q. How did one join the SD if he wasn't drafted?

A. Usually by being asked by someone.

Q. Did he have to fill out a form, or anything of that sort?

A. Yes.

Q. And he had to certify that he was racially acceptable?

A. That was not brought out by the questionnaire, but if somebody wanted to be accepted into theSS he was examined by an examiner from the Race and Settlement Office.

H1088-0099

Q. And if one joined the SD apart from these cases of drafting, of cour he would have to join the SS too, wouldn't he?

A. It was independent of it. Already before the war we had people who were of too small a physical stature to be acceptable, and they worked with But these were exceptions. We must take into consideration here that at that time there were very few regularly-employed people.

Q. You do not deny that the SD -- and I am talking about it always in t sense of an intelligence organization -- was always considered a part of the SS, do you?

A. If one brings SS and SD into this comparison, one can do it only, in my opinion, from the point of view of tasks to be performed.

Q. Just so that we have some basis for an understanding, suppose that I call to your attention what Himmler said about it in 1937. I think you would accept the word of Himmler, wouldn't you? This is a speech by Himmler on the organization and obligations of the SS and the police. "I now come to th organization of the SS ... Besides the general SS, there is the Death's Head, the SD, and the Race and Population System. I shall now discuss individual units in some detail". This shows that, at that time, Himmler considered the SD as part of the SS, doesn't it?

A. In this instance, he discusses the formation SD.

Q. Then I pass further along, when he comes to the SD specifically. "I now come to the security service. It is the great ideological intelligenc service of the Party and, in the long run, also of the State. During the tim of struggle for power, it was theonly intelligence service of the SS. At the time we had, for quite natural reasons, an intelligence service with the regiments, battalions and companies. We had to know what was going on on the opponent's side -- whether the Communists were holding a meeting or not, and similar things. I separated this service in 1931 from the units of the gener SS because I considered it to be wrong. The secrecy was endangered; the men were too likely to discuss everyday problems". That indicates that he was talking about the SD as an intelligence service, doesn't it?

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A. It is very difficult to discuss this question without also discussing the development of the SD from 1931 to 1939.

Q. Yes, I think we know generally the development of the SD over that period of time. The question is as to what Himmler thought about the SD in 1937 when this speech was made. In any event, I would like to ask you just what spheres of life the SD investigated in general.

A. All.

Q. Wel, for example.

A. Law, administration, public health, education, science, culture, food, commerce, banking and stock exchange, labor and social work.

Q. That's enough. I want to call your attention to one thing. Not twenty minutes ago you said that education was not a sphere of life in which the SD was concerned. Now you say it is.

A. I said previously, not school -- but education.

MR. HARRIS: Just to get the records clear, we will have the stenographer read her notes.

(Notes read: "The school is not a sphere of life, but education is.")

BY MR. HARRIS:

Q. I want you to hear what Himmler had to say about education as a sphere of life. "The security police service was already separated from the troops in 1931, and separately organized. Its higher headquarters coincide today with the oberabschnitt and the abschnitt. It has its own officials and a great number of men in its command posts. At least, 4,000 men when it is built up. The spheres which it handles are Communism, Judaism, Free Masonry, activities of reactionaries. Here, too, the details of the work are not of interest. The security service is only interested in the great ideologival problems." Now, isn't it a fact that, in that period, the spheres of life that the SD was interested in were, above all, those stated by Himmler?

A. I can only say that it is very difficult to discuss these problems when there has been no interrogation regarding this time. The decisive point is the directive outlining the functions which ultimately transferred all the duties enumerated here to the Gestapo. The reason for that was that the SD,

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because of its entire structure, was not fit to fulfill these tasks. From within, it had developed the intelligence regarding living spheres.

Q. So that, in July, 1938, these functions were transferred over to the Gestapo?

A. The Gestapo had had these functions before. At that time the securi police stopped occupying itself with these functions.

Q. So the security police transferred these functions to the Gestapo, which was already interested in these functions?

A. Yes. But previously to that it must be stated that the SD did not occupy itself, for instance, with the individual Jew -- but rather with the entire Jewish problem.

Q. Now you have identified this decree as separating the functions as of July, 1938. I want to call your attention again to document 1638 PS in that regard.

A. May I say here that the functional directive was issued in July, 193 and in the course of time was executed. I said that I remembered July as an approximate date. It may have been June or August.

Q. At any rate this decree of July, 1938 was published after this so-called "separational" function.

A. No, it was a functional directive which ordered this separation of functions.

Q. I am referring now to an order appearing in the 1938 Reichsministeri blatt, which you looked at this morning, which is dated 11 November 1938. Th decree was issued after this functional directive. Correct? I suggest that, as a result of this functional separation, the SD then was placed in a positi where, rather than participate actively in the spheres of influence concerned with oppositional groups, its function in that connection was one of support of the security police which had the primary responsibility.

A. That it says in the directive, and I stated this morning how that happened to come about.

Q. All I am concerned with here is what the law said; and you have answered the question.

(The Commission adjourned at 1655 hours)

H1088-0102

The foregoing is a true and correct transcript of the testimony of ROLF HEINZ HOEPPNER, taken on 24 June 1946.

Bernice Winkler
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Reporter pp

CERTIFIED TO:

George R. Taylor
Commissioner